

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SECTION 1 - H63-DEPARTMENT OF EDUCATION**

- 1.3 AMEND FURTHER** (EFA Formula/Base Student Cost Inflation Factor) States General Assembly intent to fully implement the EFA including an inflation factor projected by the Division of Budget and Analyses to match the inflation wages of public school employees in the southeast; states the base student cost has been determined to be \$1,630; states that the per pupil count for FY 10-11 is projected to be 694,303 and projects the average per pupil funding. Directs that for FY 10-11 the SC Public Charter School District shall receive and distribute state funds to the charter school as determined by the current year's base student cost, as funded by the General Assembly, plus an additional \$700, multiplied by the weighted students enrolled in the charter school, subject to adjustment for student attendance and state budget allocations.
- WMC:** AMEND proviso to update the projections for FY 11-12 as follows: base student cost, \$1,617; total pupil count, 694,850; average per pupil funding, \$4,778 state, \$1,206 federal, and \$5,666 local for an average total funding level of \$11,651 excluding local bond issues. Delete the requirement that Public Charter Schools receive an additional \$700 multiplied by weighted students enrolled in the charter school, adjusted for student attendance. Delete all estimated school district projections. *See proviso 1.89 for additional charter school funding.*
- HOU:** AMEND FURTHER to change the projections as follows base student cost, \$1,788; total pupil count, 690,111; average per pupil funding, \$4,834 state, \$1,215 federal, and \$5,705 local for an average total funding level of \$11,754. Sponsor: Rep. Bingham.
- HOU2:** AMEND FURTHER to direct that the Public Charter School District receive "100%" of the current year's base student cost multiplied by the weighted pupils enrolled in the charter school, subject to student attendance adjustment. Sponsor: Rep. Cooper.

**1.3.** (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for 100 percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be ~~\$1,630~~ \$1,788. In Fiscal Year ~~2010-11~~ 2011-12, the total pupil count is projected to be ~~694,303~~ 690,111. The average per pupil funding is projected to be ~~\$4,485~~ \$4,834 state, ~~\$1,633~~ \$1,215 federal, and ~~\$5,254~~ \$5,705 local. This is an average total funding level of ~~\$11,372~~ \$11,754 excluding revenues of local bond issues. For Fiscal Year ~~2010-11~~ 2011-12 the South Carolina Public Charter School District shall receive and distribute state EFA funds to the charter school as determined by 100% of the current year's base student cost, as funded by the General Assembly, ~~plus an additional \$700,~~ multiplied by the weighted ~~students~~ pupils enrolled in the charter school, which must be subject to adjustment for student attendance ~~and must not be reduced for state budget allocations.~~

~~In Fiscal Year 2010-11, the Abbeville School District total pupil count is projected to be 2,963. The per pupil funding is projected to be \$5,892 state, \$1,878 federal, and \$3,286 local. This is a total projected funding level of \$11,057 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Aiken School District total pupil count is projected to be 23,756. The per pupil funding is projected to be \$4,237 state, \$1,578 federal, and \$3,177 local. This is a total projected funding level of \$8,992 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Allendale School District total pupil count is projected to be 1,590. The per pupil funding is projected to be \$5,388 state, \$2,736 federal, and \$3,452 local. This is a total projected funding level of \$11,576 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Anderson School District 1 total pupil count is projected to be 9,042. The per pupil funding is projected to be \$4,267 state, \$922 federal, and \$3,060 local. This is a total projected funding level of \$8,249 excluding revenues of local bond issues.~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~In Fiscal Year 2010-11, the Anderson School District 2 total pupil count is projected to be 3,600. The per pupil funding is projected to be \$4,440 state, \$1,432 federal, and \$3,368 local. This is a total projected funding level of \$9,240 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Anderson School District 3 total pupil count is projected to be 2,588. The per pupil funding is projected to be \$4,534 state, \$1,578 federal, and \$3,571 local. This is a total projected funding level of \$9,683 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Anderson School District 4 total pupil count is projected to be 2,726. The per pupil funding is projected to be \$4,557 state, \$1,326 federal, and \$6,584 local. This is a total projected funding level of \$12,467 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Anderson School District 5 total pupil count is projected to be 12,010. The per pupil funding is projected to be \$4,546 state, \$1,635 federal, and \$4,032 local. This is a total projected funding level of \$10,213 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Bamberg School District 1 total pupil count is projected to be 1,387. The per pupil funding is projected to be \$5,491 state, \$2,166 federal, and \$3,299 local. This is a total projected funding level of \$10,956 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Bamberg School District 2 total pupil count is projected to be 846. The per pupil funding is projected to be \$6,283 state, \$2,477 federal, and \$3,768 local. This is a total projected funding level of \$12,529 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Barnwell School District 19 total pupil count is projected to be 829. The per pupil funding is projected to be \$5,252 state, \$2,775 federal, and \$3,212 local. This is a total projected funding level of \$11,238 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Barnwell School District 29 total pupil count is projected to be 1,075. The per pupil funding is projected to be \$4,356 state, \$1,453 federal, and \$2,675 local. This is a total projected funding level of \$8,484 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Barnwell School District 45 total pupil count is projected to be 2,261. The per pupil funding is projected to be \$5,398 state, \$1,663 federal, and \$3,030 local. This is a total projected funding level of \$10,091 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Beaufort School District total pupil count is projected to be 19,776. The per pupil funding is projected to be \$3,518 state, \$1,608 federal, and \$10,018 local. This is a total projected funding level of \$15,144 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Berkeley School District total pupil count is projected to be 28,797. The per pupil funding is projected to be \$4,177 state, \$1,528 federal, and \$4,768 local. This is a total projected funding level of \$10,473 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Calhoun School District total pupil count is projected to be 1,712. The per pupil funding is projected to be \$5,207 state, \$2,479 federal, and \$6,031 local. This is a total projected funding level of \$13,717 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Charleston School District total pupil count is projected to be 41,754. The per pupil funding is projected to be \$3,539 state, \$1,825 federal, and \$8,330 local. This is a total projected funding level of \$13,694 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Cherokee School District total pupil count is projected to be 8,654. The per pupil funding is projected to be \$4,584 state, \$2,050 federal, and \$4,723 local. This is a total projected funding level of \$11,357 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Chester School District total pupil count is projected to be 5,204. The per pupil funding is projected to be \$4,954 state, \$2,072 federal, and \$4,522 local. This is a total projected funding level of \$11,548 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Chesterfield School District total pupil count is projected to be 7,271. The per pupil funding is projected to be \$4,858 state, \$1,854 federal, and \$3,477 local. This is a total projected funding level of \$10,189 excluding revenues of local bond issues.~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~In Fiscal Year 2010-11, the Clarendon School District 1 total pupil count is projected to be 835. The per pupil funding is projected to be \$5,741 state, \$4,127 federal, and \$5,947 local. This is a total projected funding level of \$15,815 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Clarendon School District 2 total pupil count is projected to be 3,063. The per pupil funding is projected to be \$4,683 state, \$2,714 federal, and \$2,138 local. This is a total projected funding level of \$9,535 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Clarendon School District 3 total pupil count is projected to be 1,207. The per pupil funding is projected to be \$4,767 state, \$1,327 federal, and \$2,984 local. This is a total projected funding level of \$9,079 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Colleton School District total pupil count is projected to be 6,107. The per pupil funding is projected to be \$4,230 state, \$2,511 federal, and \$5,011 local. This is a total projected funding level of \$11,752 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Darlington School District total pupil count is projected to be 10,461. The per pupil funding is projected to be \$4,560 state, \$2,077 federal, and \$4,729 local. This is a total projected funding level of \$11,365 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Dillon School District 1 total pupil count is projected to be 835. The per pupil funding is projected to be \$4,555 state, \$2,323 federal, and \$1,730 local. This is a total projected funding level of \$8,608 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Dillon School District 2 total pupil count is projected to be 3,330. The per pupil funding is projected to be \$4,447 state, \$2,552 federal, and \$1,593 local. This is a total projected funding level of \$8,592 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Dillon School District 3 total pupil count is projected to be 1,731. The per pupil funding is projected to be \$3,781 state, \$1,537 federal, and \$1,913 local. This is a total projected funding level of \$7,231 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Dorchester School District 2 total pupil count is projected to be 23,163. The per pupil funding is projected to be \$4,281 state, \$840 federal, and \$3,133 local. This is a total projected funding level of \$8,255 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Dorchester School District 4 total pupil count is projected to be 2,079. The per pupil funding is projected to be \$5,069 state, \$2,557 federal, and \$7,710 local. This is a total projected funding level of \$15,336 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Edgefield School District total pupil count is projected to be 3,727. The per pupil funding is projected to be \$5,029 state, \$1,632 federal, and \$3,408 local. This is a total projected funding level of \$10,069 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Fairfield School District total pupil count is projected to be 2,715. The per pupil funding is projected to be \$6,049 state, \$2,644 federal, and \$7,916 local. This is a total projected funding level of \$16,609 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Florence School District 1 total pupil count is projected to be 15,598. The per pupil funding is projected to be \$4,441 state, \$1,670 federal, and \$3,854 local. This is a total projected funding level of \$9,965 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Florence School District 2 total pupil count is projected to be 1,299. The per pupil funding is projected to be \$4,210 state, \$1,501 federal, and \$3,286 local. This is a total projected funding level of \$8,998 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Florence School District 3 total pupil count is projected to be 3,335. The per pupil funding is projected to be \$5,061 state, \$4,100 federal, and \$2,349 local. This is a total projected funding level of \$11,511 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Florence School District 4 total pupil count is projected to be 822. The per pupil funding is projected to be \$6,881 state, \$3,205 federal, and \$5,021 local. This is a total projected funding level of \$15,107 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Florence School District 5 total pupil count is projected to be 1,405. The per pupil funding is projected to be \$4,777 state, \$1,522 federal, and \$4,263 local. This is a total projected funding level of \$10,563 excluding revenues of local bond issues.~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~In Fiscal Year 2010-11, the Georgetown School District total pupil count is projected to be 9,345. The per pupil funding is projected to be \$4,202 state, \$1,935 federal, and \$6,614 local. This is a total projected funding level of \$12,751 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Greenville School District total pupil count is projected to be 70,951. The per pupil funding is projected to be \$4,312 state, \$1,355 federal, and \$4,365 local. This is a total projected funding level of 10,032 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Greenwood School District 50 total pupil count is projected to be 8,435. The per pupil funding is projected to be \$4,412 state, \$1,671 federal, and \$6,114 local. This is a total projected funding level of \$12,216 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Greenwood School District 51 total pupil count is projected to be 1,069. The per pupil funding is projected to be \$4,607 state, \$1,635 federal, and \$3,675 local. This is a total projected funding level of \$9,917 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Greenwood School District 52 total pupil count is projected to be 1,550. The per pupil funding is projected to be \$3,175 state, \$1,056 federal, and \$7,027 local. This is a total projected funding level of \$11,258 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Hampton School District 1 total pupil count is projected to be 2,291. The per pupil funding is projected to be \$5,723 state, \$2,292 federal, and \$2,981 local. This is a total projected funding level of \$10,995 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Hampton School District 2 total pupil count is projected to be 973. The per pupil funding is projected to be \$6,484 state, \$3,320 federal, and \$4,160 local. This is a total projected funding level of \$13,965 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Horry School District total pupil count is projected to be 36,702. The per pupil funding is projected to be \$3,691 state, \$1,555 federal, and \$8,142 local. This is a total projected funding level of \$13,388 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Jasper School District total pupil count is projected to be 3,164. The per pupil funding is projected to be \$4,742 state, \$2,278 federal, and \$4,891 local. This is a total projected funding level of \$11,912 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Kershaw School District total pupil count is projected to be 9,956. The per pupil funding is projected to be \$4,766 state, \$1,441 federal, and \$4,438 local. This is a total projected funding level of \$10,645 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Lancaster School District total pupil count is projected to be 11,220. The per pupil funding is projected to be \$4,394 state, \$2,176 federal, and \$3,937 local. This is a total projected funding level of \$10,507 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Laurens School District 55 total pupil count is projected to be 5,700. The per pupil funding is projected to be \$4,369 state, \$1,755 federal, and \$3,037 local. This is a total projected funding level of \$9,161 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Laurens School District 56 total pupil count is projected to be 2,830. The per pupil funding is projected to be \$5,150 state, \$3,271 federal, and \$3,343 local. This is a total projected funding level of \$11,764 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Lee School District total pupil count is projected to be 2,304. The per pupil funding is projected to be \$7,386 state, \$2,611 federal, and \$3,289 local. This is a total projected funding level of \$13,286 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Lexington School District 1 total pupil count is projected to be 23,348. The per pupil funding is projected to be \$4,786 state, \$826 federal, and \$5,441 local. This is a total projected funding level of \$11,054 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Lexington School District 2 total pupil count is projected to be 8,884. The per pupil funding is projected to be \$4,282 state, \$1,508 federal, and \$4,092 local. This is a total projected funding level of \$9,882 excluding revenues of local bond issues.~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~In Fiscal Year 2010-11, the Lexington School District 3 total pupil count is projected to be 1,804. The per pupil funding is projected to be \$5,608 state, \$2,049 federal, and \$6,765 local. This is a total projected funding level of \$14,422 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Lexington School District 4 total pupil count is projected to be 3,100. The per pupil funding is projected to be \$5,553 state, \$2,555 federal, and \$3,535 local. This is a total projected funding level of \$11,643 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Lexington School District 5 total pupil count is projected to be 16,333. The per pupil funding is projected to be \$5,785 state, \$914 federal, and \$5,611 local. This is a total projected funding level of \$12,310 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Marion School District 1 total pupil count is projected to be 2,615. The per pupil funding is projected to be \$4,771 state, \$2,531 federal, and \$2,473 local. This is a total projected funding level of \$9,775 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Marion School District 2 total pupil count is projected to be 1,607. The per pupil funding is projected to be \$5,184 state, \$3,774 federal, and \$3,044 local. This is a total projected funding level of \$12,002 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Marion School District 7 total pupil count is projected to be 562. The per pupil funding is projected to be \$9,241 state, \$4,601 federal, and \$2,789 local. This is a total projected funding level of \$16,631 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Marlboro School District total pupil count is projected to be 4,275. The per pupil funding is projected to be \$5,422 state, \$3,399 federal, and \$2,742 local. This is a total projected funding level of \$11,564 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the McCormick School District total pupil count is projected to be 782. The per pupil funding is projected to be \$7,504 state, \$3,324 federal, and \$8,710 local. This is a total projected funding level of \$19,539 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Newberry School District total pupil count is projected to be 5,460. The per pupil funding is projected to be \$5,294 state, \$2,288 federal, and \$5,755 local. This is a total projected funding level of \$13,338 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Oconee School District total pupil count is projected to be 10,490. The per pupil funding is projected to be \$4,016 state, \$1,559 federal, and \$6,519 local. This is a total projected funding level of \$12,095 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Orangeburg School District 3 total pupil count is projected to be 2,789. The per pupil funding is projected to be \$4,922 state, \$2,719 federal, and \$6,513 local. This is a total projected funding level of \$14,155 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Orangeburg School District 4 total pupil count is projected to be 3,778. The per pupil funding is projected to be \$4,871 state, \$1,909 federal, and \$4,836 local. This is a total projected funding level of \$11,615 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Orangeburg School District 5 total pupil count is projected to be 6,214. The per pupil funding is projected to be \$4,954 state, \$2,438 federal, and \$5,636 local. This is a total projected funding level of \$13,029 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Pickens School District total pupil count is projected to be 16,106. The per pupil funding is projected to be \$4,136 state, \$1,228 federal, and \$5,497 local. This is a total projected funding level of \$10,861 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Richland School District 1 total pupil count is projected to be 23,453. The per pupil funding is projected to be \$4,043 state, \$2,524 federal, and \$9,980 local. This is a total projected funding level of \$16,548 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Richland School District 2 total pupil count is projected to be 25,023. The per pupil funding is projected to be \$4,884 state, \$967 federal, and \$5,259 local. This is a total projected funding level of \$11,109 excluding revenues of local bond issues.~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~In Fiscal Year 2010-11, the Saluda School District total pupil count is projected to be 2,105. The per pupil funding is projected to be \$4,810 state, \$1,552 federal, and \$3,252 local. This is a total projected funding level of \$9,615 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Spartanburg School District 1 total pupil count is projected to be 4,801. The per pupil funding is projected to be \$5,684 state, \$1,194 federal, and \$3,884 local. This is a total projected funding level of \$10,763 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Spartanburg School District 2 total pupil count is projected to be 9,512. The per pupil funding is projected to be \$4,958 state, \$1,169 federal, and \$3,264 local. This is a total projected funding level of \$9,391 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Spartanburg School District 3 total pupil count is projected to be 2,808. The per pupil funding is projected to be \$4,654 state, \$1,517 federal, and \$5,114 local. This is a total projected funding level of \$11,285 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Spartanburg School District 4 total pupil count is projected to be 2,912. The per pupil funding is projected to be \$4,295 state, \$990 federal, and \$2,848 local. This is a total projected funding level of \$8,133 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Spartanburg School District 5 total pupil count is projected to be 7,530. The per pupil funding is projected to be \$4,467 state, \$1,049 federal, and \$5,720 local. This is a total projected funding level of \$11,236 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Spartanburg School District 6 total pupil count is projected to be 10,032. The per pupil funding is projected to be 4,582 state, \$1,173 federal, and \$4,388 local. This is a total projected funding level of \$10,144 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Spartanburg School District 7 total pupil count is projected to be 6,729. The per pupil funding is projected to be \$5,523 state, \$2,842 federal, and \$6,425 local. This is a total projected funding level of \$14,791 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Sumter School District 2 total pupil count is projected to be 8,216. The per pupil funding is projected to be \$4,378 state, \$2,007 federal, and \$3,317 local. This is a total projected funding level of \$9,702 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Sumter School District 17 total pupil count is projected to be 7,847. The per pupil funding is projected to be \$4,636 state, \$2,246 federal, and \$3,102 local. This is a total projected funding level of \$9,984 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Union School District total pupil count is projected to be 4,234. The per pupil funding is projected to be \$5,349 state, \$1,793 federal, and \$2,843 local. This is a total projected funding level of \$9,984 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the Williamsburg School District total pupil count is projected to be 4,800. The per pupil funding is projected to be \$5,122 state, \$3,469 federal, and \$4,910 local. This is a total projected funding level of \$13,500 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the York School District 1 total pupil count is projected to be 5,021. The per pupil funding is projected to be \$4,728 state, \$1,691 federal, and \$4,244 local. This is a total projected funding level of \$10,663 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the York School District 2 total pupil count is projected to be 6,520. The per pupil funding is projected to be \$5,000 state, \$852 federal, and \$7,546 local. This is a total projected funding level of \$13,398 excluding revenues of local bond issues.~~

~~In Fiscal Year 2010-11, the York School District 3 total pupil count is projected to be 17,569. The per pupil funding is projected to be \$4,892 state, \$1,151 federal, and \$4,564 local. This is a total projected funding level of \$10,607 excluding revenues of local bond issues.~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~In Fiscal Year 2010-11, the York School District 4 total pupil count is projected to be 11,004. The per pupil funding is projected to be \$4,652 state, \$552 federal, and \$5,398 local. This is a total projected funding level of \$10,602 excluding revenues of local bond issues.~~

**SFC:** AMEND FURTHER to direct that the Public Charter School District receive “100%” of the current year’s base student cost multiplied by the weighted students “(pupils)” enrolled in the charter school. Reinsert and update the estimated school district projections.

**SEN:** ADOPT proviso as amended.

**1.3.** (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for 100 percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be ~~\$1,630~~ \$1,788. In Fiscal Year ~~2010-11~~ 2011-12, the total pupil count is projected to be ~~694,303~~ 690,111. The average per pupil funding is projected to be ~~\$4,485~~ \$4,834 state, ~~\$1,633~~ \$1,215 federal, and ~~\$5,254~~ \$5,705 local. This is an average total funding level of ~~\$11,372~~ \$11,754 excluding revenues of local bond issues. For Fiscal Year ~~2010-11~~ 2011-12 the South Carolina Public Charter School District shall receive and distribute state EFA funds to the charter school as determined by 100% of the current year's base student cost, as funded by the General Assembly, ~~plus an additional \$700~~, multiplied by the weighted students pupils enrolled in the charter school, which must be subject to adjustment for student attendance ~~and must not be reduced for state budget allocations.~~

In Fiscal Year ~~2010-11~~ 2011-12, the Abbeville School District total pupil count is projected to be ~~2,963~~ 2,971. The per pupil funding is projected to be ~~\$5,892~~ \$6,059 state, ~~\$1,878~~ \$1,354 federal, and ~~\$3,286~~ \$3,316 local. This is a total projected funding level of ~~\$11,057~~ \$10,729 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Aiken School District total pupil count is projected to be ~~23,756~~ 23,658. The per pupil funding is projected to be ~~\$4,237~~ \$4,499 state, ~~\$1,578~~ \$1,071 federal, and ~~\$3,177~~ \$3,713 local. This is a total projected funding level of ~~\$8,992~~ \$9,283 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Allendale School District total pupil count is projected to be ~~1,590~~ 1,351. The per pupil funding is projected to be ~~\$5,388~~ \$8,564 state, ~~\$2,736~~ \$2,461 federal, and ~~\$3,452~~ \$5,261 local. This is a total projected funding level of ~~\$11,576~~ \$16,286 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~, 2011-12 the Anderson School District 1 total pupil count is projected to be ~~9,042~~ 8,933. The per pupil funding is projected to be ~~\$4,267~~ \$4,637 state, ~~\$922~~ \$763 federal, and ~~\$3,060~~ \$3,362 local. This is a total projected funding level of ~~\$8,249~~ \$8,762 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Anderson School District 2 total pupil count is projected to be ~~3,600~~ 3,625. The per pupil funding is projected to be ~~\$4,440~~ \$4,791 state, ~~\$1,432~~ \$1,168 federal, and ~~\$3,368~~ \$3,489 local. This is a total projected funding level of ~~\$9,240~~ \$9,448 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Anderson School District 3 total pupil count is projected to be ~~2,588~~ 2,479. The per pupil funding is projected to be ~~\$4,534~~ \$4,930 state, ~~\$1,578~~ \$1,290 federal, and ~~\$3,571~~ \$3,747 local. This is a total projected funding level of ~~\$9,683~~ \$9,967 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Anderson School District 4 total pupil count is projected to be ~~2,726~~ 2,734. The per pupil funding is projected to be ~~\$4,557~~ \$4,997 state, ~~\$1,326~~ \$1,186 federal, and ~~\$6,584~~ \$6,182 local. This is a total projected funding level of ~~\$12,467~~ \$12,366 excluding revenues of local bond issues.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

In Fiscal Year ~~2010-11~~ 2011-12, the Anderson School District 5 total pupil count is projected to be ~~12,010~~ 12,150. The per pupil funding is projected to be ~~\$4,546~~ \$4,597 state, ~~\$1,635~~ \$1,413 federal, and ~~\$4,032~~ \$4,295 local. This is a total projected funding level of ~~\$10,213~~ \$10,305 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Bamberg School District 1 total pupil count is projected to be ~~1,387~~ 1,410. The per pupil funding is projected to be ~~\$5,491~~ \$6,040 state, ~~\$2,166~~ \$1,840 federal, and ~~\$3,299~~ \$3,420 local. This is a total projected funding level of ~~\$10,956~~ \$11,300 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Bamberg School District 2 total pupil count is projected to be ~~846~~ 795. The per pupil funding is projected to be ~~\$6,283~~ \$6,864 state, ~~\$2,477~~ \$2,085 federal, and ~~\$3,768~~ \$3,729 local. This is a total projected funding level of ~~\$12,529~~ \$12,678 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Barnwell School District 19 total pupil count is projected to be ~~829~~ 818. The per pupil funding is projected to be ~~\$5,252~~ \$5,843 state, ~~\$2,775~~ \$2,257 federal, and ~~\$3,212~~ \$4,680 local. This is a total projected funding level of ~~\$11,238~~ \$12,780 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Barnwell School District 29 total pupil count is projected to be ~~1,075~~ 953. The per pupil funding is projected to be ~~\$4,356~~ \$4,826 state, ~~\$1,453~~ \$1,281 federal, and ~~\$2,675~~ \$4,042 local. This is a total projected funding level of ~~\$8,484~~ \$10,149 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Barnwell School District 45 total pupil count is projected to be ~~2,261~~ 2,375. The per pupil funding is projected to be ~~\$5,398~~ \$5,551 state, ~~\$1,663~~ \$1,268 federal, and ~~\$3,030~~ \$3,434 local. This is a total projected funding level of ~~\$10,091~~ \$10,253 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Beaufort School District total pupil count is projected to be ~~19,776~~ 18,817. The per pupil funding is projected to be ~~\$3,518~~ \$3,621 state, ~~\$1,608~~ \$1,138 federal, and ~~\$10,018~~ \$11,656 local. This is a total projected funding level of ~~\$15,144~~ \$16,415 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Berkeley School District total pupil count is projected to be ~~28,797~~ 28,674. The per pupil funding is projected to be ~~\$4,177~~ \$4,554 state, ~~\$1,528~~ \$1,092 federal, and ~~\$4,768~~ \$4,753 local. This is a total projected funding level of ~~\$10,473~~ \$10,399 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Calhoun School District total pupil count is projected to be ~~1,712~~ 1,649. The per pupil funding is projected to be ~~\$5,207~~ \$5,903 state, ~~\$2,479~~ \$1,646 federal, and ~~\$6,031~~ \$6,810 local. This is a total projected funding level of ~~\$13,717~~ \$14,359 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Charleston School District total pupil count is projected to be ~~41,754~~ 43,088. The per pupil funding is projected to be ~~\$3,539~~ \$3,326 state, ~~\$1,825~~ \$1,169 federal, and ~~\$8,330~~ \$9,283 local. This is a total projected funding level of ~~\$13,694~~ \$13,778 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Cherokee School District total pupil count is projected to be ~~8,654~~ 8,498. The per pupil funding is projected to be ~~\$4,584~~ \$4,878 state, ~~\$2,050~~ \$1,606 federal, and ~~\$4,723~~ \$4,844 local. This is a total projected funding level of ~~\$11,357~~ \$11,328 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Chester School District total pupil count is projected to be ~~5,204~~ 5,182. The per pupil funding is projected to be ~~\$4,954~~ \$5,273 state, ~~\$2,072~~ \$1,315 federal, and ~~\$4,522~~ \$4,051 local. This is a total projected funding level of ~~\$11,548~~ \$10,639 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Chesterfield School District total pupil count is projected to be ~~7,271~~ 7,372. The per pupil funding is projected to be ~~\$4,858~~ \$5,137 state,

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

\$1,854 \$1,316 federal, and \$3,477 \$3,673 local. This is a total projected funding level of \$10,189 \$10,126 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Clarendon School District 1 total pupil count is projected to be ~~835~~ 863. The per pupil funding is projected to be \$5,741 \$5,699 state, \$4,127 \$2,878 federal, and \$5,947 \$5,862 local. This is a total projected funding level of \$15,815 \$14,438 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Clarendon School District 2 total pupil count is projected to be ~~3,063~~ 2,911. The per pupil funding is projected to be \$4,683 \$4,570 state, \$2,714 \$1,829 federal, and \$2,138 \$2,848 local. This is a total projected funding level of \$9,535 \$9,247 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Clarendon School District 3 total pupil count is projected to be ~~1,207~~ 1,193. The per pupil funding is projected to be \$4,767 \$5,369 state, \$1,327 \$1,038 federal, and \$2,984 \$2,894 local. This is a total projected funding level of \$9,079 \$9,301 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Colleton School District total pupil count is projected to be ~~6,107~~ 5,733. The per pupil funding is projected to be \$4,230 \$4,663 state, \$2,511 \$2,070 federal, and \$5,011 \$6,363 local. This is a total projected funding level of \$11,752 \$13,096 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Darlington School District total pupil count is projected to be ~~10,461~~ 10,153. The per pupil funding is projected to be \$4,560 \$5,240 state, \$2,077 \$1,633 federal, and \$4,729 \$4,995 local. This is a total projected funding level of \$11,365 \$11,868 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Dillon School District 1 total pupil count is projected to be ~~835~~ 833. The per pupil funding is projected to be \$4,555 \$5,333 state, \$2,323 \$1,456 federal, and \$1,730 \$1,813 local. This is a total projected funding level of \$8,608 \$8,603 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Dillon School District 2 total pupil count is projected to be ~~3,330~~ 3,408. The per pupil funding is projected to be \$4,447 \$4,856 state, \$2,552 \$1,891 federal, and \$1,593 \$1,580 local. This is a total projected funding level of \$8,592 \$8,327 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Dillon School District 3 total pupil count is projected to be ~~1,731~~ 1,527. The per pupil funding is projected to be \$3,781 \$4,753 state, \$1,537 \$1,537 federal, and \$1,913 \$2,168 local. This is a total projected funding level of \$7,231 \$8,459 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Dorchester School District 2 total pupil count is projected to be ~~23,163~~ 22,783. The per pupil funding is projected to be \$4,281 \$4,942 state, \$840 \$722 federal, and \$3,133 \$2,967 local. This is a total projected funding level of \$8,255 \$8,631 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Dorchester School District 4 total pupil count is projected to be ~~2,079~~ 2,057. The per pupil funding is projected to be \$5,069 \$5,521 state, \$2,557 \$2,157 federal, and \$7,710 \$7,355 local. This is a total projected funding level of \$15,336 \$15,033 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Edgefield School District total pupil count is projected to be ~~3,727~~ 3,921. The per pupil funding is projected to be \$5,029 \$5,181 state, \$1,632 \$1,302 federal, and \$3,408 \$4,375 local. This is a total projected funding level of \$10,069 \$10,858 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Fairfield School District total pupil count is projected to be ~~2,715~~ 2,852. The per pupil funding is projected to be \$6,049 \$5,424 state, \$2,644 \$1,768 federal, and \$7,916 \$7,970 local. This is a total projected funding level of \$16,609 \$15,162 excluding revenues of local bond issues.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

In Fiscal Year ~~2010-11~~ 2011-12, the Florence School District 1 total pupil count is projected to be ~~15,598~~ 15,460. The per pupil funding is projected to be ~~\$4,441~~ \$5,002 state, ~~\$1,670~~ \$1,271 federal, and ~~\$3,854~~ \$3,734 local. This is a total projected funding level of ~~\$9,965~~ \$10,007 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Florence School District 2 total pupil count is projected to be ~~1,299~~ 1,121. The per pupil funding is projected to be ~~\$4,240~~ \$5,380 state, ~~\$1,501~~ \$1,284 federal, and ~~\$3,286~~ \$3,442 local. This is a total projected funding level of ~~\$8,998~~ \$10,106 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Florence School District 3 total pupil count is projected to be ~~3,335~~ 3,243. The per pupil funding is projected to be ~~\$5,061~~ \$5,932 state, ~~\$4,100~~ \$3,251 federal, and ~~\$2,349~~ \$2,390 local. This is a total projected funding level of ~~\$11,511~~ \$11,574 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Florence School District 4 total pupil count is projected to be ~~822~~ 738. The per pupil funding is projected to be ~~\$6,881~~ \$6,721 state, ~~\$3,205~~ \$2,589 federal, and ~~\$5,021~~ \$4,569 local. This is a total projected funding level of ~~\$15,107~~ \$13,879 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Florence School District 5 total pupil count is projected to be ~~1,405~~ 1,386. The per pupil funding is projected to be ~~\$4,777~~ \$5,264 state, ~~\$1,522~~ \$1,129 federal, and ~~\$4,263~~ \$4,020 local. This is a total projected funding level of ~~\$10,563~~ \$10,413 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Georgetown School District total pupil count is projected to be ~~9,345~~ 9,335. The per pupil funding is projected to be ~~\$4,202~~ \$3,735 state, ~~\$1,935~~ \$1,298 federal, and ~~\$6,614~~ \$7,241 local. This is a total projected funding level of ~~\$12,751~~ \$12,273 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Greenville School District total pupil count is projected to be ~~70,951~~ 70,978. The per pupil funding is projected to be ~~\$4,312~~ \$4,575 state, ~~\$1,355~~ \$1,114 federal, and ~~\$4,365~~ \$4,739 local. This is a total projected funding level of ~~\$10,032~~ \$10,429 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Greenwood School District 50 total pupil count is projected to be ~~8,435~~ 8,735. The per pupil funding is projected to be ~~\$4,431~~ \$4,922 state, ~~\$1,671~~ \$1,073 federal, and ~~\$6,114~~ \$6,042 local. This is a total projected funding level of ~~\$12,216~~ \$12,036 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Greenwood School District 51 total pupil count is projected to be ~~1,069~~ 884. The per pupil funding is projected to be ~~\$4,607~~ \$6,262 state, ~~\$1,635~~ \$1,472 federal, and ~~\$3,675~~ \$3,866 local. This is a total projected funding level of ~~\$9,917~~ \$11,600 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Greenwood School District 52 total pupil count is projected to be ~~1,550~~ 1,540. The per pupil funding is projected to be ~~\$3,175~~ \$4,015 state, ~~\$1,056~~ \$605 federal, and ~~\$7,027~~ \$6,229 local. This is a total projected funding level of ~~\$11,258~~ \$10,849 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Hampton School District 1 total pupil count is projected to be ~~2,291~~ 2,392. The per pupil funding is projected to be ~~\$5,723~~ \$6,027 state, ~~\$2,292~~ \$1,576 federal, and ~~\$2,981~~ \$3,304 local. This is a total projected funding level of ~~\$10,995~~ \$10,907 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Hampton School District 2 total pupil count is projected to be ~~973~~ 935. The per pupil funding is projected to be ~~\$6,484~~ \$7,615 state, ~~\$3,320~~ \$2,706 federal, and ~~\$4,160~~ \$4,633 local. This is a total projected funding level of ~~\$13,965~~ \$14,954 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Horry School District total pupil count is projected to be ~~36,702~~ 37,987. The per pupil funding is projected to be ~~\$3,691~~ \$3,567 state, ~~\$1,555~~ \$1,191

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

federal, and ~~\$8,142~~ \$9,073 local. This is a total projected funding level of ~~\$13,388~~ \$13,831 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Jasper School District total pupil count is projected to be ~~3,164~~ 2,968. The per pupil funding is projected to be ~~\$4,742~~ \$5,224 state, ~~\$2,278~~ \$1,891 federal, and ~~\$4,891~~ \$5,114 local. This is a total projected funding level of ~~\$11,912~~ \$12,228 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Kershaw School District total pupil count is projected to be ~~9,956~~ 10,182. The per pupil funding is projected to be ~~\$4,766~~ \$4,325 state, ~~\$1,441~~ \$1,109 federal, and ~~\$4,438~~ \$5,562 local. This is a total projected funding level of ~~\$10,645~~ \$10,995 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lancaster School District total pupil count is projected to be ~~11,220~~ 11,360. The per pupil funding is projected to be ~~\$4,394~~ \$4,742 state, ~~\$2,176~~ \$1,514 federal, and ~~\$3,937~~ \$4,067 local. This is a total projected funding level of ~~\$10,507~~ \$10,322 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Laurens School District 55 total pupil count is projected to be ~~5,700~~ 5,467. The per pupil funding is projected to be ~~\$4,369~~ \$4,949 state, ~~\$1,755~~ \$1,319 federal, and ~~\$3,037~~ \$3,204 local. This is a total projected funding level of ~~\$9,161~~ \$9,473 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Laurens School District 56 total pupil count is projected to be ~~2,830~~ 2,814. The per pupil funding is projected to be ~~\$5,150~~ \$5,600 state, ~~\$3,271~~ \$2,552 federal, and ~~\$3,343~~ \$4,618 local. This is a total projected funding level of ~~\$11,764~~ \$12,770 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lee School District total pupil count is projected to be ~~2,304~~ 2,031. The per pupil funding is projected to be ~~\$7,386~~ \$8,924 state, ~~\$2,611~~ \$2,604 federal, and ~~\$3,289~~ \$3,838 local. This is a total projected funding level of ~~\$13,286~~ \$15,366 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lexington School District 1 total pupil count is projected to be ~~23,348~~ 22,433. The per pupil funding is projected to be ~~\$4,786~~ \$5,747 state, ~~\$826~~ \$620 federal, and ~~\$5,441~~ \$5,454 local. This is a total projected funding level of ~~\$11,054~~ \$11,820 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lexington School District 2 total pupil count is projected to be ~~8,884~~ 8,441. The per pupil funding is projected to be ~~\$4,282~~ \$4,731 state, ~~\$1,508~~ \$1,149 federal, and ~~\$4,092~~ \$4,477 local. This is a total projected funding level of ~~\$9,882~~ \$10,357 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lexington School District 3 total pupil count is projected to be ~~1,804~~ 1,936. The per pupil funding is projected to be ~~\$5,608~~ \$5,853 state, ~~\$2,049~~ \$1,255 federal, and ~~\$6,765~~ \$5,444 local. This is a total projected funding level of ~~\$14,422~~ \$12,552 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lexington School District 4 total pupil count is projected to be ~~3,100~~ 3,218. The per pupil funding is projected to be ~~\$5,553~~ \$5,757 state, ~~\$2,555~~ \$1,680 federal, and ~~\$3,535~~ \$4,020 local. This is a total projected funding level of ~~\$11,643~~ \$11,458 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lexington School District 5 total pupil count is projected to be ~~16,333~~ 16,348. The per pupil funding is projected to be ~~\$5,785~~ \$6,198 state, ~~\$914~~ \$728 federal, and ~~\$5,611~~ \$5,778 local. This is a total projected funding level of ~~\$12,310~~ \$12,703 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Marion School District 1 total pupil count is projected to be ~~2,615~~ 2,659. The per pupil funding is projected to be ~~\$4,771~~ \$4,881 state, ~~\$2,531~~ \$1,558 federal, and ~~\$2,473~~ \$2,650 local. This is a total projected funding level of ~~\$9,775~~ \$9,089 excluding revenues of local bond issues.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

In Fiscal Year ~~2010-11~~ 2011-12, the Marion School District 2 total pupil count is projected to be ~~4,607~~ 1,764. The per pupil funding is projected to be \$5,184 ~~\$5,474~~ state, \$3,774 ~~\$2,269~~ federal, and \$3,044 ~~\$2,667~~ local. This is a total projected funding level of \$12,002 ~~\$10,410~~ excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Marion School District 7 total pupil count is projected to be ~~562~~ 599. The per pupil funding is projected to be \$9,241 ~~\$7,598~~ state, \$4,601 ~~\$4,130~~ federal, and \$2,789 ~~\$2,920~~ local. This is a total projected funding level of \$16,631 ~~\$14,648~~ excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Marlboro School District total pupil count is projected to be ~~4,275~~ 4,098. The per pupil funding is projected to be \$5,422 ~~\$5,445~~ state, \$3,399 ~~\$2,587~~ federal, and \$2,742 ~~\$3,850~~ local. This is a total projected funding level of \$11,564 ~~\$11,881~~ excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the McCormick School District total pupil count is projected to be ~~782~~ 741. The per pupil funding is projected to be \$7,504 ~~\$8,698~~ state, \$3,324 ~~\$2,678~~ federal, and \$8,710 ~~\$8,935~~ local. This is a total projected funding level of \$19,539 ~~\$20,310~~ excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Newberry School District total pupil count is projected to be ~~5,460~~ 5,560. The per pupil funding is projected to be \$5,294 ~~\$5,402~~ state, \$2,288 ~~\$1,658~~ federal, and \$5,755 ~~\$5,339~~ local. This is a total projected funding level of \$13,338 ~~\$12,399~~ excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Oconee School District total pupil count is projected to be ~~10,490~~ 10,158. The per pupil funding is projected to be \$4,016 ~~\$4,281~~ state, \$1,559 ~~\$1,079~~ federal, and \$6,519 ~~\$7,019~~ local. This is a total projected funding level of \$12,095 ~~\$12,379~~ excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Orangeburg School District 3 total pupil count is projected to be ~~2,789~~ 2,813. The per pupil funding is projected to be \$4,922 ~~\$5,229~~ state, \$2,719 ~~\$1,852~~ federal, and \$6,513 ~~\$6,036~~ local. This is a total projected funding level of \$14,155 ~~\$13,117~~ excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Orangeburg School District 4 total pupil count is projected to be ~~3,778~~ 3,708. The per pupil funding is projected to be \$4,871 ~~\$5,294~~ state, \$1,909 ~~\$1,431~~ federal, and \$4,836 ~~\$4,515~~ local. This is a total projected funding level of \$11,615 ~~\$11,240~~ excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Orangeburg School District 5 total pupil count is projected to be ~~6,214~~ 6,238. The per pupil funding is projected to be \$4,954 ~~\$5,426~~ state, \$2,438 ~~\$1,947~~ federal, and \$5,636 ~~\$5,480~~ local. This is a total projected funding level of \$13,029 ~~\$12,853~~ excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Pickens School District total pupil count is projected to be ~~16,106~~ 15,778. The per pupil funding is projected to be \$4,136 ~~\$4,678~~ state, \$1,228 ~~\$917~~ federal, and \$5,497 ~~\$6,393~~ local. This is a total projected funding level of \$10,861 ~~\$11,987~~ excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Richland School District 1 total pupil count is projected to be ~~23,453~~ 22,883. The per pupil funding is projected to be \$4,043 ~~\$4,343~~ state, \$2,524 ~~\$1,730~~ federal, and \$9,980 ~~\$11,113~~ local. This is a total projected funding level of \$16,548 ~~\$17,186~~ excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Richland School District 2 total pupil count is projected to be ~~25,023~~ 26,013. The per pupil funding is projected to be \$4,884 ~~\$5,898~~ state, \$967 ~~\$658~~ federal, and \$5,259 ~~\$5,469~~ local. This is a total projected funding level of \$11,109 ~~\$12,025~~ excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Saluda School District total pupil count is projected to be ~~2,105~~ 2,060. The per pupil funding is projected to be \$4,810 ~~\$4,963~~ state, \$1,552 ~~\$1,060~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

federal, and ~~\$3,252~~ \$2,925 local. This is a total projected funding level of ~~\$9,615~~ \$8,948 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 1 total pupil count is projected to be ~~4,801~~ 4,794. The per pupil funding is projected to be ~~\$5,684~~ \$6,191 state, ~~\$1,194~~ \$979 federal, and ~~\$3,884~~ \$4,515 local. This is a total projected funding level of ~~\$10,763~~ \$11,685 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 2 total pupil count is projected to be ~~9,512~~ 9,695. The per pupil funding is projected to be ~~\$4,958~~ \$5,276 state, ~~\$1,169~~ \$851 federal, and ~~\$3,264~~ \$3,392 local. This is a total projected funding level of ~~\$9,391~~ \$9,519 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 3 total pupil count is projected to be ~~2,808~~ 2,863. The per pupil funding is projected to be ~~\$4,654~~ \$5,019 state, ~~\$1,517~~ \$950 federal, and ~~\$5,114~~ \$4,987 local. This is a total projected funding level of ~~\$11,285~~ \$10,955 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 4 total pupil count is projected to be ~~2,912~~ 2,733. The per pupil funding is projected to be ~~\$4,295~~ \$4,991 state, ~~\$990~~ \$851 federal, and ~~\$2,848~~ \$2,743 local. This is a total projected funding level of ~~\$8,133~~ \$8,585 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 5 total pupil count is projected to be ~~7,530~~ 7,316. The per pupil funding is projected to be ~~\$4,467~~ \$5,304 state, ~~\$1,049~~ \$851 federal, and ~~\$5,720~~ \$5,832 local. This is a total projected funding level of ~~\$11,236~~ \$11,988 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 6 total pupil count is projected to be ~~10,032~~ 10,244. The per pupil funding is projected to be ~~\$4,582~~ \$4,772 state, ~~\$1,173~~ \$918 federal, and ~~\$4,388~~ \$4,558 local. This is a total projected funding level of ~~\$10,144~~ \$10,248 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 7 total pupil count is projected to be ~~6,729~~ 6,714. The per pupil funding is projected to be ~~\$5,523~~ \$6,002 state, ~~\$2,842~~ \$2,417 federal, and ~~\$6,425~~ \$6,144 local. This is a total projected funding level of ~~\$14,791~~ \$14,563 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Sumter School District 2 total pupil count is projected to be ~~8,216~~ 7,933. The per pupil funding is projected to be ~~\$4,378~~ \$4,984 state, ~~\$2,007~~ \$1,414 federal, and ~~\$3,317~~ \$3,740 local. This is a total projected funding level of ~~\$9,702~~ \$10,138 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Sumter School District 17 total pupil count is projected to be ~~7,847~~ 8,274. The per pupil funding is projected to be ~~\$4,636~~ \$4,745 state, ~~\$2,246~~ \$1,395 federal, and ~~\$3,102~~ \$3,247 local. This is a total projected funding level of ~~\$9,984~~ \$9,388 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Union School District total pupil count is projected to be ~~4,234~~ 4,145. The per pupil funding is projected to be ~~\$5,349~~ \$5,773 state, ~~\$1,793~~ \$1,314 federal, and ~~\$2,843~~ \$2,852 local. This is a total projected funding level of ~~\$9,984~~ \$9,939 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Williamsburg School District total pupil count is projected to be ~~4,800~~ 4,463. The per pupil funding is projected to be ~~\$5,122~~ \$5,919 state, ~~\$3,469~~ \$2,516 federal, and ~~\$4,910~~ \$4,180 local. This is a total projected funding level of ~~\$13,500~~ \$12,615 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the York School District 1 total pupil count is projected to be ~~5,021~~ 4,885. The per pupil funding is projected to be ~~\$4,728~~ \$5,457 state, ~~\$1,691~~ \$1,261 federal, and ~~\$4,244~~ \$8,325 local. This is a total projected funding level of ~~\$10,663~~ \$15,043 excluding revenues of local bond issues.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

In Fiscal Year ~~2010-11~~ 2011-12, the York School District 2 total pupil count is projected to be ~~6,520~~ 6,218. The per pupil funding is projected to be \$~~5,000~~ \$4,780 state, \$~~852~~ \$591 federal, and \$~~7,546~~ \$8,517 local. This is a total projected funding level of \$~~13,398~~ \$13,888 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the York School District 3 total pupil count is projected to be ~~17,569~~ 16,481. The per pupil funding is projected to be \$~~4,892~~ \$5,788 state, \$~~1,151~~ \$983 federal, and \$~~4,564~~ \$6,035 local. This is a total projected funding level of \$~~10,607~~ \$12,806 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the York School District 4 total pupil count is projected to be ~~11,004~~ 10,589. The per pupil funding is projected to be \$~~4,652~~ \$5,580 state, \$~~552~~ \$458 federal, and \$~~5,398~~ \$5,686 local. This is a total projected funding level of \$~~10,602~~ \$11,724 excluding revenues of local bond issues.

- 1.23 DELETE** (School Building Aid Allocation) Directs that School Building Aid funds be transferred to a special trust fund and be distributed to school districts in accordance with Section 59-21-350. Directs that the funds be allocated to eligible school districts on a per pupil basis and be based on the 135 day count of ADM for the 2<sup>nd</sup> preceding fiscal year.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

~~1.23. (SDE: School Building Aid Allocation) Funds appropriated for School Building Aid shall be transferred to a special trust fund established by the Comptroller General. Funds appropriated shall be distributed to the school districts of the State for use in accordance with Section 59-21-350 of the Code of Laws of 1976. Funds shall be allocated to eligible school districts on a per pupil basis. The allocation must be based on the 135 day count of average daily membership for the second preceding fiscal year.~~

- 1.40 AMEND FURTHER** (School Districts and Special Schools Flexibility) Provides guidelines and requirements for school districts and special schools to have the ability to transfer and expend funds among general fund revenues, EIA funds, Lottery funds, and Children's Education Endowment Fund for school facilities and fixed equipment assistance to ensure the delivery of academic and arts instruction. Prohibits school districts from transferring debt service or bonded indebtedness funds. Authorizes school districts and the department to purchase the most economical type of bus fuel.  
**WMC:** AMEND proviso to change references to "Fiscal Year 2010-11" to "current fiscal year." Direct that the purchase of textbooks beyond that required for replacement "may" rather than "must" be suspended. Delete the requirement that savings generated from suspension of the writing assessment and new textbooks adoptions be allocated to school districts based on the EFA formula and instead direct that they be allocated based on the number of weighted pupil units in each district. *Change in methodology for distributing funds generated from the savings from suspended programs ensures that all districts receive funds generated from the savings.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education. *Companion to EIA 1A.22.*  
**HOU:** ADOPT proviso as amended.  
**HOU2:** AMEND FURTHER to specify that a school district may not transfer funds "allocated specifically for state level maintenance of effort requirements under IDEA" required for debt service or bonded indebtedness. Sponsor: Rep. Cooper.

**1.40.** (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for state level maintenance of effort requirements under IDEA, required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the InSite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by InSite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the current school year ending June 30, ~~2011~~. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

"InSite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to public charter schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the ~~2010-11~~ current fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the internet website maintained by the school district.

For ~~Fiscal Year 2010-11~~ the current fiscal year, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list ~~must~~ may be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For ~~Fiscal Year 2010-11~~ the current fiscal year, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

- (i) the transaction amount;

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

**SFC:** AMEND FURTHER to reinsert the requirement that savings generated from the suspension of writing assessment and new textbook adoptions be allocated based on the “EFA formula” rather than the “number of weighted pupil units.”

**SEN:** ADOPT proviso as amended.

**1.40.** (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the InSite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by InSite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the *current* school year ending June 30, ~~2011~~. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

“In\$ite” means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to public charter schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the ~~2010-11~~ *current* fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the internet website maintained by the school district.

For ~~Fiscal Year 2010-11~~ *the current fiscal year*, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list ~~must~~ *may* be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For ~~Fiscal Year 2010-11~~ *the current fiscal year*, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

- (i) the transaction amount;
- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

**1.47** **AMEND** (School District Furlough) Authorizes and provides guidelines for school districts to institute an employee furlough program, not to exceed 10 days, for district-level and school-level professional staff.

**SFC:** AMEND proviso to delete the restriction that school districts may only institute an employee furlough if a school district's state funds are less than those appropriated in the preceding fiscal year or if the General Assembly or B&C Board implements a mid-year across the board budget reduction. AMEND FURTHER to require each local school district to prominently post on their website the most recent version of their school district's policy manual and administrative rule manual for public viewing and downloading.

**SEN:** ADOPT proviso as amended.

**1.47.** (SDE: School District Furlough) ~~If state funds appropriated for a school district in this State are less than state funds appropriated for that school district in the preceding fiscal year, or if the General Assembly or the Budget and Control Board implements a midyear across the board budget reduction, school~~ *School* districts may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district and provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed on non-instructional days and may not be furloughed for a period exceeding ten days. District administrators shall be defined by the Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the determination shall be made based upon whether the individual performs the functions outlined in position codes identified by the department as administration. Educators who would have received a year's experience credit had a furlough not been implemented, shall not have their experience credit negatively impacted because of a furlough implementation.

During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

Each local school district must prominently post on the district's internet website and make available for public viewing and downloading the most recent version of the school district's policy manual and administrative rule manual.

This proviso shall not abrogate the terms of any contract between any school district and its employees.

**1.66 AMEND FURTHER** (Residential Treatment Facilities Student Enrollment and Funding) Directs that children who are South Carolina residents and are in licensed treatment facilities (RTFs) for children and adolescents as defined in Section 44-7-130 [STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT DEFINITIONS] shall be entitled to receive educational services from the school districts where the RTF is located ("facility school district"); that such facility school district shall be responsible for providing appropriate educational programs and services for these students, with and without disabilities; and provides guidelines and certain program and funding requirements. Directs that a task force be convened to research and make recommendations to the Superintendent of Education by December 1, 2010 on oversight of educational programs provided to RTF students.

**WMC:** AMEND proviso to also authorize the RTF to provide parents/guardians with the option to enroll their child in a virtual charter school authorized by the SC Public Charter School District. Direct that if the parent/guardian chooses to enroll their child in a virtual charter school the SC Public Charter School District shall assume the responsibility of the facility school district. Require the RTF and parent/guardian to identify a learning coach prior to enrolling the student in a virtual charter school. Require that the learning coach be identified in collaboration with the SC Public Charter School District and that they be responsible for monitoring and assisting the child's learning experience. Encourage the facility school district, when appropriate, to use course offerings provided by the Department of Education through its South Carolina Virtual School Program. Delete the requirement that the state appropriate 100% of the base student cost to provide for the education of the students referred or placed by the State in an RTF. Direct that facility school districts are entitled to receive the base student cost multiplied by the EFA pupil weighting for "Homebound pupils of 2.10." Direct that the reimbursement rate may not exceed \$45 per student per day. Authorize the department to withhold the equivalent amount of EFA funds and transfer those funds to the facility school district if a resident school district fails to distribute the entitled funding to the facility school district by the 135 day count. Direct that out-of-state students provided educational services by a facility school district are not eligible for funding through the EFA. Delete the task force provision. Fiscal Impact: OSB states that this amendment would have a \$501,771 recurring cost to the general fund. The estimate is derived by multiplying the number of RTFs in FY 10 (403) x increase weighting of 1.10 (2.10-1.00) x base student cost of \$1,617 x 70% state funds. **HOU:** ADOPT proviso as amended.

**1.66.** (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school age residing in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code,

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

("students") shall be entitled to receive educational services from the school district in which the RTF is located ("facility school district") or the RTF may choose to provide to parents/guardians of students residing in the RTF the option to enroll their child in a virtual charter school authorized by the South Carolina Public Charter School District. Should the parent/guardian choose to enroll their child in a virtual charter school, the South Carolina Public Charter School District shall assume the responsibilities of the facility school district for each child enrolled in a virtual charter school. Prior to the enrolling in a virtual charter school, the RTF and the parent/guardian must identify a learning coach for each student enrolled. The individual to serve as the learning coach will be identified in collaboration with the South Carolina Public Charter School District. The learning coach shall be responsible for monitoring and assisting in the child's educational experience with the virtual charter school. The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred or placed by the State is vested in the facility school districts.

A facility school district must provide the necessary educational programs and services directly to the student at the RTF's facility, provided that the RTF facility provides and maintains comparable adequate space for the educational programs and services consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate electrical support and Internet accessibility. Unless the parent or legal guardian of the student seeks to continue the student's enrollment in the resident school district under a medical homebound instruction program and the district approves, if appropriate, then, under these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility for the educational services including enrolling the student, approving the student's entry into a medical homebound instructional program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational responsibilities for the student directly. When appropriate, the facility school district is encouraged to utilize course offerings provided by the Department of Education through its South Carolina Virtual School Program.

Alternatively, a facility school district may choose to provide the necessary educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational services provided. If the facility school district determines the educational program being offered by the RTF does not meet the educational standards outlines in the contract, the facility district shall be justified in terminating the contract.

~~The State shall appropriate one hundred percent of the base student cost to provide for the education of the students referred or placed by the State in an RTF.~~ The facility school districts are entitled to receive the base student cost multiplied by the appropriate Education Finance Act pupil weighting for Homebound pupils of 2.10, as set forth in Section 59-20-40 of the 1976 Code and any eligible categorical and federal funds. These funds may be retained by the facility school districts for the purpose of providing the educational programs and services directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTF's for the educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by the facility school district for that student. However, the reimbursement rate may not exceed \$45 per student per day. Should the facility school district be unable to reach agreement with the resident school district regarding reasonable costs differences, the facility school district shall notify the Department of Education's Office of General Counsel. The Department of Education shall facilitate a

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

resolution of the dispute between the facility school district and the resident school district. If the issue of reasonable cost differences should remain unresolved, the case shall be referred to the Administrative Law Court for a final decision. Should a resident school district fail to distribute the entitled funding to the facility school district by the 135 day count, the Department of Education is authorized to withhold the equivalent amount of EFA funds and transfer those funds to the facility school district.

If a child from out of state is placed in a RTF by an out-of-state school district or agency, the child's home state remains responsible for the educational services. The facility school district may choose to provide the educational program to the child and, upon choosing to do so, shall contract with the appropriate entity for payment of educational services provided to the child. Out-of-state students provided educational services by a facility school district shall not be eligible for funding through the Education Finance Act.

If a child is placed in a RTF by the child's parent or guardian, the facility school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident school district for services through medical homebound procedures. A facility school district is responsible for compliance with all child find requirements under Section 504 of the Rehabilitation Act of 1973 and IDEA.

All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum, which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are eligible for special education and related services under the Individuals with IDEA, as amended, and the State Board of Education (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by appropriately certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through their educational efforts.

With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. The performance of students residing in a RTF who receive their educational program on site at the RTF must be reflected on a separate line on the facility school district's report card and must not be included in the overall performance ratings of the facility school district. The Department of Education shall examine the feasibility of issuing report cards for RTFs. For the 2010-11 school year, a facility school district shall not have the district's state accreditation rating negatively impacted by deficiencies related to the delivery of an educational program at a RTF.

RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's admission to the RTF. RTFs, the facility school districts and the Department of Education shall use their best efforts to secure and/or exchange information, including documents and records necessary to provide appropriate educational services and/or related services as necessary to assist the facility school district in determining the resident school district. The Department of Education, in collaboration with state placing agencies, RTFs, facility school districts, and resident school districts, shall implement a system to follow the release of students from a RTF and re-enrollment in public, private, or special schools to ensure these students, when appropriate, are not recorded as dropouts.

~~The Department of Education shall convene a task force to research and make recommendations to the State Superintendent of Education by December 1, 2010, regarding oversight of the educational programs provided to students residing in a RTF. Recommendations may include, but not be limited to, implementing a system of state oversight, state standards for an appropriate educational program for students residing in a RTF, and requirements for collaboration between the Department of Health and Environmental Control and the Department of Education regarding educational program requirements when new RTFs are licensed. The task force shall include, but not be limited to, representation of the following~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~groups: state placing agencies, RTFs, facility school districts, resident school districts, Department of Health and Environmental Control, and other interested entities. The report shall be made available to the General Assembly no later than January 1, 2011.~~

**SFC:** AMEND FURTHER to delete portion pertaining to enrollment in a virtual charter school.

**SEN:** ADOPT proviso as amended.

**1.66.** (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school age residing in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code, (“students”) shall be entitled to receive educational services from the school district in which the RTF is located (“facility school district”). The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred or placed by the State is vested in the facility school districts.

A facility school district must provide the necessary educational programs and services directly to the student at the RTF’s facility, provided that the RTF facility provides and maintains comparable adequate space for the educational programs and services consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate electrical support and Internet accessibility. Unless the parent or legal guardian of the student seeks to continue the student’s enrollment in the resident school district under a medical homebound instruction program and the district approves, if appropriate, then, under these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility for the educational services including enrolling the student, approving the student's entry into a medical homebound instructional program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational responsibilities for the student directly. When appropriate, the facility school district is encouraged to utilize course offerings provided by the Department of Education through its South Carolina Virtual School Program.

Alternatively, a facility school district may choose to provide the necessary educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the RTF’s facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational services provided. If the facility school district determines the educational program being offered by the RTF does not meet the educational standards outlines in the contract, the facility district shall be justified in terminating the contract.

~~The State shall appropriate one hundred percent of the base student cost to provide for the education of the students referred or placed by the State in an RTF.~~ The facility school districts are entitled to receive the base student cost multiplied by the appropriate Education Finance Act pupil weighting for Homebound pupils of 2.10, as set forth in Section 59-20-40 of the 1976 Code and any eligible categorical and federal funds. These funds may be retained by the facility school districts for the purpose of providing the educational programs and services directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTF’s for the educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by the facility school district for that student. However, the reimbursement rate may not exceed \$45 per student per day. Should the facility school district be unable to reach agreement with the resident school district regarding reasonable costs differences, the facility school district shall notify the Department of

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Education's Office of General Counsel. The Department of Education shall facilitate a resolution of the dispute between the facility school district and the resident school district. If the issue of reasonable cost differences should remain unresolved, the case shall be referred to the Administrative Law Court for a final decision. Should a resident school district fail to distribute the entitled funding to the facility school district by the 135 day count, the Department of Education is authorized to withhold the equivalent amount of EFA funds and transfer those funds to the facility school district.

If a child from out of state is placed in a RTF by an out-of-state school district or agency, the child's home state remains responsible for the educational services. The facility school district may choose to provide the educational program to the child and, upon choosing to do so, shall contract with the appropriate entity for payment of educational services provided to the child. Out-of-state students provided educational services by a facility school district shall not be eligible for funding through the Education Finance Act.

If a child is placed in a RTF by the child's parent or guardian, the facility school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident school district for services through medical homebound procedures. A facility school district is responsible for compliance with all child find requirements under Section 504 of the Rehabilitation Act of 1973 and IDEA.

All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum, which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are eligible for special education and related services under the Individuals with IDEA, as amended, and the State Board of Education (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by appropriately certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through their educational efforts.

With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. The performance of students residing in a RTF who receive their educational program on site at the RTF must be reflected on a separate line on the facility school district's report card and must not be included in the overall performance ratings of the facility school district. The Department of Education shall examine the feasibility of issuing report cards for RTFs. For the 2010-11 school year, a facility school district shall not have the district's state accreditation rating negatively impacted by deficiencies related to the delivery of an educational program at a RTF.

RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's admission to the RTF. RTFs, the facility school districts and the Department of Education shall use their best efforts to secure and/or exchange information, including documents and records necessary to provide appropriate educational services and/or related services as necessary to assist the facility school district in determining the resident school district. The Department of Education, in collaboration with state placing agencies, RTFs, facility school districts, and resident school districts, shall implement a system to follow the release of students from a RTF and re-enrollment in public, private, or special schools to ensure these students, when appropriate, are not recorded as dropouts.

~~The Department of Education shall convene a task force to research and make recommendations to the State Superintendent of Education by December 1, 2010, regarding oversight of the educational programs provided to students residing in a RTF. Recommendations may include, but not be limited to, implementing a system of state oversight, state standards for an appropriate educational program for students residing in a RTF, and requirements for collaboration between the Department of Health and Environmental Control and the Department of Education regarding educational program requirements when new RTFs~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~are licensed. The task force shall include, but not be limited to, representation of the following groups: state placing agencies, RTFs, facility school districts, resident school districts, Department of Health and Environmental Control, and other interested entities. The report shall be made available to the General Assembly no later than January 1, 2011.~~

- 1.68 REINSERT** (Prohibit Use of ARRA for Administration) Prohibits the department and school districts from using American Recovery and Reinvestment Act of 2009 funds for administrative salary increases, bonuses, retirement incentives, or severance packages. Requires the department provide a list of federal stimulus expenditures to the General Assembly.

**WMC:** DELETE proviso. *All ARRA funds have been appropriated.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**HOU:** ADOPT deletion of proviso.

~~**1.68.** (SDE: Prohibit Use of ARRA for Administration) The department and school districts are prohibited from using funds received from the American Recovery and Reinvestment Act of 2009 for state department or school district administrative salary increases, bonuses, retirement incentives, or severance packages. The department shall provide to the General Assembly a list of federal stimulus expenditures.~~

**SFC:** REINSERT proviso.

**SEN:** ADOPT original proviso.

~~**1.68.** (SDE: Prohibit Use of ARRA for Administration) The department and school districts are prohibited from using funds received from the American Recovery and Reinvestment Act of 2009 for state department or school district administrative salary increases, bonuses, retirement incentives, or severance packages. The department shall provide to the General Assembly a list of federal stimulus expenditures.~~

- 1.74 DELETE** (Index of Taxpaying Ability) Suspends, for the current fiscal year, the provisions of Section 59-20-20(3) [EDUCATION FINANCE ACT OF 1977; DEFINITIONS] for purposes calculating the Index of Taxpaying Ability. Directs that for the current fiscal year, the index as calculated by the Department of Revenue for 2009 shall apply.

**SFC:** DELETE proviso.

**SEN:** ADOPT deletion of proviso.

~~**1.74.** (SDE: Index of Taxpaying Ability) For the current fiscal year, the provisions of Section 59-20-20(3) of the 1976 Code providing for the calculation of the Index of Taxpaying Ability are suspended. In lieu of the index as calculated pursuant to that provision, the index as calculated by the Department of Revenue for 2009 applies for the current fiscal year.~~

- 1.83 AMEND NEW PROVISO** (Governor's Schools Residency Requirement) **WMC:** ADD new proviso to require a parent or guardian of a student attending either the Governor's School for Arts and Humanities or the Governor's School for Science and Mathematics to legally reside in South Carolina at the time the student applies to the school and while they attend the school. Prohibit either Governor's School from admitting students whose parent(s) or guardian(s) is not a legal resident of this state. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**1.83.** (SDE: Governor's Schools Residency Requirement) Any parent(s) or guardian(s) of a student attending either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics must prove that they are a legal resident of the

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

state of South Carolina at the time of application and must remain so throughout time of attendance. The Governor's School for the Arts and the Humanities and Governor's School for Science and Mathematics may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.

**SFC:** AMEND new proviso to specify "of the funds appropriated."

**SEN:** ADOPT new proviso as amended.

**1.83.** (SDE: Governor's Schools Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and the Humanities and the Governor's School for Science and Mathematics are to ensure that a parent(s) or guardian(s) of a student attending either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics must prove that they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance. The Governor's School for the Arts and the Humanities and Governor's School for Science and Mathematics may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.

- 1.85** **DELETE NEW PROVISO** (High School League Participation) **WMC:** ADD new proviso to allow any South Carolina High School League decision that affects a student, team, or program in a SC public school to be appealed to the State Superintendent of Education or his designee; direct that the State Superintendent serves as the final appellate authority; and require the school to adhere to the Superintendent's decision. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**1.85.** (SDE: High School League Participation) Any decision by the South Carolina High School League that affects a student, team, or program in a South Carolina public school may be appealed to the State Superintendent of Education or his designee. The State Superintendent shall serve as the final appellate authority and said school must adhere to the decision rendered.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**1.85.** (SDE: High School League Participation) **DELETED**

- 1.86** **DELETE NEW PROVISO** (Deregulation) **WMC:** ADD new proviso to direct that for FY 11-12, the exemptions that apply to charter schools provided in Section 59-40-50 [EXEMPTION; POWERS AND DUTIES; ADMISSION TO CHARTER SCHOOL] also apply to traditional public schools of local public school districts. Direct that a traditional public school may employ noncertified teachers in a ratio of up to 10% of its entire teacher staff and may not limit or deny admission or show preference in admission decisions to any group of individuals, and must meet the student attendance requirements as provided in Title 59.

**HOU:** AMEND new proviso to specify that teachers in core subject areas as defined by ESEA must be highly qualified, which requires state certification. Sponsors: Reps. Allison and Bingham.

**1.86.** (SDE: Deregulation) For Fiscal Year 2011-12, the exemption provisions provided in Section 59-40-50 of the 1976 Code, that apply to charter schools shall also apply to traditional public schools of the local public school districts of this State, except that a traditional public school may employ noncertified teachers in a ratio of up to ten percent of its

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

entire teacher staff, except that teachers in core subject areas as defined by ESEA must be highly qualified, which requires state certification. A traditional public school may not limit or deny admission or show preference in admission decisions to any group of individuals, and it must meet the student attendance requirements as provided in Title 59 of the 1976 Code.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**1.86. (SDE: Deregulation) DELETED**

- 1.87 AMEND NEW PROVISO** (Transportation) **WMC:** ADD new proviso to direct that the Senate Finance and House Ways and Means Committees, the Governor's Office and the department to work together to explore privatizing all or part of the state school bus transportation system while ensuring all students are served and long term cost savings are achieved.

**HOU:** ADOPT new proviso.

1.87. (SDE: Transportation) In Fiscal Year 2011-12 the Senate Finance Committee, the House Ways and Means Committee, the Governor's Office and the department will work together to explore privatization of all or part of the state school bus transportation system while ensuring that all students are served and there are long term cost savings.

**SFC:** AMEND new proviso to specify "from appropriated or authorized funds."

**SEN:** ADOPT new proviso as amended.

1.87. (SDE: Transportation) In Fiscal Year 2011-12, and from appropriated or authorized funds, the Department of Education, the Senate Finance Committee, the House Ways and Means Committee, and the Governor's Office will work together to explore privatization of all or part of the state school bus transportation system while ensuring that all students are served and there are long term cost savings.

- 1.88 DELETE NEW PROVISO** (National Board Certification) **WMC:** ADD new proviso to required that teachers who grade National Board Certification Exams must be National Board Certified teachers.

**HOU:** ADOPT new proviso.

1.88. (SDE: National Board Certification) In the current fiscal year teachers retained to grade National Board Certification Exams must themselves hold the certification.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**1.88. (SDE: National Board Certification) DELETED**

- 1.89 AMEND NEW PROVISO FURTHER** (South Carolina Public Charter School District Funding) **WMC:** ADD new proviso to direct that S.C. Public Charter School District funds must be allocated as follows: \$1,700 per pupil for virtual charter schools and \$3,250 per pupil for brick and mortar charter schools. Authorize unexpended funds to be carried forward and used for the same purpose. Fiscal Impact: OSB states that the department indicates this amendment would have a recurring impact of \$22.0 million on the General Fund. Methodology: subtract FY 11 SCPSCSD EFA allocation of \$24.6 million from additional

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

allocations required by this provision of \$10.7 million for brick and mortar schools and \$35.9 million for virtual schools of SCPCSD (\$46.6m - \$24.6m).

**HOU:** ADOPT new proviso.

**HOU2:** AMEND FURTHER to specify that the funds shall be received per “weighted” pupil.  
Sponsor: Rep. Cooper.

*1.89. (SDE: South Carolina Public Charter School District Funding) The funds appropriated in Part IA, Section X - S.C. Public Charter School District must be allocated in the following manner: Pupils enrolled in virtual charter schools sponsored by the South Carolina Public Charter School District shall receive \$1,700 per weighted pupil and pupils enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District shall receive \$3,250 per weighted pupil. Any unexpended funds must be carried forward from the prior fiscal year and expended for the same purpose.*

**SFC:** AMEND new proviso to specify that the funds shall be received per “weighted” pupil and limit the amount which must be carried forward to not more than 10% of the prior year appropriation.

**SEN:** ADOPT new proviso as amended.

*1.89. (SDE: South Carolina Public Charter School District Funding) The funds appropriated in Part IA, Section X - S.C. Public Charter School District must be allocated in the following manner: Pupils enrolled in virtual charter schools sponsored by the South Carolina Public Charter School District shall receive \$1,700 per weighted pupil and pupils enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District shall receive \$3,250 per weighted pupil. Any unexpended funds, not to exceed 10% of the prior year appropriation, must be carried forward from the prior fiscal year and expended for the same purpose.*

**1.90**     **AMEND NEW PROVISO** (Governor’s School Capacity) **WMC:** ADD new proviso to direct the Governor’s Schools for Arts and Humanities and Science and Math to use their funds to bring their respective schools up to full capacity and to report electronically by December 1<sup>st</sup> to the Chairmen of the Senate Finance and House Ways and Means Committees on how the funds have been used and how many additional students have been served.

**HOU:** ADOPT new proviso.

*1.90. (SDE: Governor’s Schools Capacity) For Fiscal Year 2011-12, funds appropriated to the Governor’s School for the Arts and Humanities and the Governor’s School for Science and Mathematics must be used to bring the schools up to full capacity. Each school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1st how the funds have been utilized and how many additional students have been served.*

**SFC:** AMEND new proviso to direct that funds must be used to bring the schools up to full capacity “to the extent possible.”

**SEN:** ADOPT new proviso as amended.

*1.90. (SDE: Governor’s Schools Capacity) For Fiscal Year 2011-12, funds appropriated to the Governor’s School for the Arts and Humanities and the Governor’s School for Science and Mathematics must be used to bring the schools up to full capacity, to the extent possible. Each school must report electronically to the Chairman of the Senate Finance Committee and*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

*the Chairman of the House Ways and Means Committee by December 1st how the funds have been utilized and how many additional students have been served.*

- 1.93 DELETE NEW PROVISO** (District Employee Representation) **WMC:** ADD new proviso to allow any school district employee who is paid on the state salary schedule to have representation of their choice present and able to participate in any meeting, hearing or appeal related to a formal grievance.  
**HOU:** ADOPT new proviso.

*1.93. (SDE: District Employee Representation) In the current fiscal year, any employee of a school district paid on the state salary schedule may have representation of their choice present and able to participate in any meeting, hearing or appeal related to a formal grievance.*

**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.

*1.93. (SDE: District Employee Representation) DELETED*

- 1.95 DELETE NEW PROVISO** (Building Fund Flexibility) **HOU:** ADD new proviso to authorize school districts to flex School Building Aid Program funds for FY 11-12. Sponsor: Rep. Bingham.

*1.95. (SDE: Building Fund Flexibility) For Fiscal Year 2011-12, a school district may flex funds appropriated pursuant to the School Building Aid Program.*

**SFC:** ADOPT new proviso.  
**SEN:** DELETE new proviso. *Ruled Out of Order.*

*1.95. (SDE: Building Fund Flexibility) DELETED*

- 1.96 DELETE NEW PROVISO** (EEDA Allocation) **HOU:** ADD new proviso to direct that EEDA funds be allocated to districts based on ADM unless they are otherwise allocated in this act and direct the department to fund the Regional Education Centers prior to allocating these funds. Sponsors: Reps. Bingham and Norman.

*1.96. (SDE: EEDA Allocation) For Fiscal Year 2011-12, funds appropriated in Part IA, Section 1, Program IV Education and Economic Dev, if not otherwise allocated in this act, shall be allocated to districts based on Average Daily Membership. Prior to this allocation the department will fund the Regional Education Centers.*

**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.

*1.96. (SDE: EEDA Allocation) DELETED*

- 1.97 AMEND NEW PROVISO** (Weighted Pupil Units Calculation) **SFC:** ADD new proviso to direct the Department of Education to calculate and publish the number of weighted pupil units per weighting category in each district based on the most recent 135 day ADM in each district and the weights as recommended in most recent EOC funding model and suggested modifications made during FY 10-11 and to make projections on how the revised weightings impact school districts for FY 11-12. Require the department use the Index and Taxpaying

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Ability and projected base student cost as adopted by the General Assembly when making its calculations. Direct the department to report its findings to the Chairmen of the Senate Finance and House Ways and Means Committees by November 1, 2011.

**SEN:** AMEND new proviso to require the EOC rather than SDE be responsible for the weighted pupil units calculations and reporting. Sponsor: Sen. Hayes.

1.97. (SDE: Weighted Pupil Units Calculation) Of the funds appropriated to the Education Oversight Committee (EOC), the EOC shall calculate and publish the number of the weighted pupil units per weighting category in each district based upon the most recent 135-day average daily membership in each district and the weights as recommended in the most recent funding model developed by the Education Oversight Committee and suggested modifications made during Fiscal Year 2010-11 and make projections on how the revised weightings impact school districts for Fiscal Year 2011-12. In making its calculations, the EOC must use the Index of Taxpaying Ability and projected base student cost as adopted by the General Assembly for the current fiscal year. The EOC must report its findings electronically to the Chairman of the Senate Finance Committee and Chairman of the House Ways and Means Committee by November 1 2011.

- 1.98** **ADD** (Education Foundation Supplement) **SFC:** ADD new proviso to direct that Education Foundation Supplement funds are to be distributed to public schools which would recognize a current year loss in State financial requirement of the foundation program by using an Index of Taxpaying Ability which imputes the assessed value of owner occupied property as compared to the prior fiscal year. Require these funds be distributed to school districts receiving a loss, in an amount equal to the loss. Direct that the supplement does not require local financial requirement.
- SEN:** ADOPT new proviso.

1.98. (SDE: Education Foundation Supplement) Funds appropriated in the Education Foundation Supplement are to be distributed to public school districts which would in the current fiscal year recognize a loss in State financial requirement of the foundation program by utilizing an Index of Taxpaying Ability which imputes the assessed value of owner occupied property compared to the State financial requirement of same Index of Taxpaying Ability as utilized in the prior fiscal year. Funds in the Education Foundation Supplement must be distributed to the school districts receiving a loss, in an amount equal to the amount of the loss. This supplement shall not require a local financial requirement.

- 1.99** **ADD** (Impute Index Value) **SFC:** ADD new proviso to direct that for FY 2011-12, DOR in calculating the index of taxpaying ability, shall impute an index value for owner occupied residential property qualifying for the special 4% assessment ratio by adding the 2<sup>nd</sup> preceding taxable year total school district reimbursements for Tier 1, 2 and 3(A) and not include the supplement distribution. Direct DOR to not include sales ratio data in calculating the index. Direct that the methodology for calculating the remaining classes of property remain the same.
- SEN:** ADOPT new proviso.

1.99. (SDE: Impute Index Value) For FY 2011-12 and for the purposes of calculating the index of taxpaying ability the Department of Revenue shall impute an index value for owner-occupied residential property qualifying for the special four percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2, and Tier 3(A) and not to include the supplement distribution. The Department of Revenue shall not include sales ratio data in its calculation of the index of taxpaying ability. The

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

*methodology for the calculations for the remaining classes of property shall remain as required pursuant to the EFA and other applicable provisions of law.*

- 1.100** **ADD** (Common Core Initiative) **SFC:** ADD new proviso to prohibit the department, the EOC, or the State Board of Education from expending funds in the current fiscal year to participate in, implement, or promote the Common Core State Standards Initiative until the department issues a report analyzing potential cost increases or cost savings for the initiative. Direct that the report be submitted to the House Ways and Means and Senate Finance Committees by January 6, 2012. Authorize the State Board of Education, the department, and the EOC to adopt the Common Core State Standards Initiative after the committees have accepted and approved the financial report.  
**SEN:** ADOPT new proviso.

*1.100. (SDE: Common Core Initiative) No funds shall be expended in the current fiscal year by the Department of Education, the Education Oversight Committee, or the State Board of Education to participate in, implement, or promote the Common Core State Standards Initiative until the State Department of Education issues a report analyzing potential cost increases or cost savings of the Common Core State Standards Initiative. The report must be submitted to the House Ways and Means Committee and the Senate Finance Committee by January 6, 2012. Subsequent to the acceptance and approval of the financial report by the House Ways and Means Committee and the Senate Finance Committee, the State Board of Education, the Department of Education, and the Education Oversight Committee may adopt the Common Core State Standards Initiative.*

- 1.101** **ADD** (EFA State Share) **SEN:** ADD new proviso to provide a supplement to a school district that receives zero EFA state funding by an amount based on 70% of the least state EFA funded school district. Fiscal Impact: Beaufort School District currently receives \$0 while McCormick School District receives \$837,555. 70% equates to \$586,289. Sponsors: Sens. Davis and Leatherman.

*1.101. (SDE: EFA State Share) A school district that does not recognize a State share of the EFA financial requirement shall be supplemented with an amount equal to seventy percent of the school district with the least State financial requirement.*

- 1A.102** **ADD** (Health Education) **SEN:** ADD new proviso require each school district to ensure all comprehensive and reproductive health education and family life education conducted within the school district by employees or by a private entity use curriculum that complies with Title 59, Chapter 32 [COMPREHENSIVE HEALTH EDUCATION PROGRAM]. Allow any person to make a signed and notarized complaint in writing to the chairman of the school district's governing board if they believe the district is not in compliance. Require the chairman to immediately investigate any complaint received and to take corrective action if the complaint is found to be true. Direct that if corrective action is not taken the district must have its base student cost reduced by 1%. Sponsor: Sen. Grooms.

*1.102. (SDE: Health Education) Each school district is required to ensure that all comprehensive health education, reproductive health education, and family life education conducted within the district, whether by school district employees or a private entity, must utilize curriculum that complies with the provisions contained in Chapter 32, Title 59. Any person may complain in a signed, notarized writing to the chairman of the governing board of a school district that matter not in compliance with the requirements of Chapter 32, Title 59 is being taught in the district. Upon receiving a notarized complaint, the chairman of the*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

governing board must ensure that the complaint is immediately investigated and, if the complaint is determined to be founded, that immediate action is taken to correct the violation. If corrective action is not taken, then the district must have its base student cost reduced by one percent.

**SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA**

- 1A.10 AMEND** (CHE/Teacher Recruitment) Provides for distribution of Teacher Recruitment Program funds and directs CHE to annually evaluate the effectiveness of the teacher recruitment projects and report its findings and budget recommendations to the House and Senate Education Committees, the State Board of Education and the EOC by Oct 1<sup>st</sup>.  
**SFC:** AMEND proviso to direct that the current year administration reduction may be applied proportionately between CERRA and SC State, and shall not be applied to Teaching Fellows Scholarships.  
**SEN:** ADOPT proviso as amended.

**1A.10.** (SDE-EIA: XI.F.2-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, XI.F.2. for the Teacher Recruitment Program, the S.C. Commission on Higher Education shall distribute a total of 92% to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which 78% must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers, and of which 22% must be used for other aspects of the state teacher recruitment program, including the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers: and shall distribute 8% to S.C. State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. The current year administrative base reduction may be applied proportionately between CERRA and SC State University while none of the reduction may be applied to Teaching Fellows Scholarships. Working with districts with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October 1 to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The S.C. Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The S.C. State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

- 1A.18 DELETE** (State of Emergency District) Authorizes funds to be used for retired educators serving as teacher or principal specialists, principal leaders, or curriculum specialists on site in state of emergency districts. Authorizes these retired educators to be hired as a principal specialist for up to 4 years in a state of emergency district.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

**1A.18.** (SDE-EIA: XI-State of Emergency District) ~~Funds may be used for retired educators serving as teacher specialists, principal specialists, principal leaders, or curriculum~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~specialists on site in districts in which a state of emergency is declared. These educators may be hired as a principal specialist in a state of emergency district for up to four years.~~

- 1A.20 AMEND FURTHER** (Technical Assistance) Specifies allocation and expenditure of technical assistance funds to schools with an absolute rating of below average or unsatisfactory. **HOU:** AMEND proviso to delete the directive that the school renewal plan outline “how technical assistance allocations will be utilized.” Delete the directive that the department coordinate with and monitor services provided to schools by the School Improvement Council Assistance and the Writing Improvement Network and the requirement that these entities submit external evaluations to the EOC at least once every three years. Change the amount that must be used for technical assistance from “up to \$13,000,000” to “up to \$6,000,000.” Sponsor: Rep. Bingham.
- HOU2:** AMEND FURTHER to adopt portion of Senate version allowing \$750,000 of this amount to be used for after-school or summer enrichment programs focused on dropout prevention for at-risk students. Sponsor: Rep. Cooper.

**1A.20.** (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for technical assistance to schools with an absolute rating of below average or at-risk on the most recent annual school report card must be allocated according to the severity of not meeting report card criteria.

Schools receiving an absolute rating of below average or at-risk must develop and submit to the Department of Education a school renewal plan outlining ~~how technical assistance allocations will be utilized and~~ goals for improvements ~~will be obtained.~~ *Each Of the technical assistance funds allocated to below average or at-risk schools each* allocation must address specific strategies designed to increase student achievement and must include measures to evaluate success. The school renewal plan may include expenditures for recruitment incentives for faculty and staff, performance incentives for faculty and staff, assistance with curriculum and test score analysis, professional development activities based on curriculum and test score analysis that may include daily stipends if delivered on days outside of required contract days. School expenditures *of technical assistance* shall be monitored by the Department of Education.

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of below average or at-risk in designing and implementing technical assistance school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the plan. In addition, the department must monitor student academic achievement and the expenditure of technical assistance funds in schools receiving these funds and report their findings to the General Assembly and the Education Oversight Committee by January first of each fiscal year as the General Assembly may direct. If the Education Oversight Committee or the department requests information from schools or school districts regarding the expenditure of technical assistance funds pursuant to evaluations, the school or school district must provide the evaluation information necessary to determine effective use. If the school or school district does not provide the evaluation information necessary to determine effective use, the principal of the school or the district superintendent may be subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for the failure to provide the required information.

~~The department shall coordinate with and monitor the services provided by the School Improvement Council Assistance and the Writing Improvement Network to the schools. Based on criteria jointly determined by the department and the Education Oversight Committee, the School Improvement Council Assistance and the Writing Improvement Network must submit external evaluations to the Education Oversight Committee at least once every three years.~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and expended by the department for implementation and delivery of technical assistance services. Using previous report card data, the department shall identify priority schools. Up to ~~\$13,000,000~~ \$6,000,000 of the total funds appropriated for technical assistance shall be used by the department to work with those schools identified as priority schools. *Of this amount, \$750,000 may be used for after-school or summer enrichment programs focused on dropout prevention for at-risk students.*

The department will create a system of levels of technical assistance for schools that will receive technical assistance funds. The levels will be determined by the severity of not meeting report card criteria. The levels of technical assistance may include a per student allocation, placement of a principal mentor, replacement of the principal, and/or reconstitution of a school.

Reconstitution means the redesign or reorganization of the school, which includes the declaration that all positions in the school are considered vacant. Certified staff currently employed in priority schools must undergo a formal evaluation in the spring following the school's identification as a priority school and must meet determined goals to be rehired and continue their employment at that school. Student achievement will be considered as a significant factor when determining whether to rehire existing staff. Educators who were employed at a school that is being reconstituted prior to the effective date of this proviso and to whom the employment and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned to another school in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not apply to educators who are employed in the district and assigned to the priority schools after the effective date of this proviso, in the event of a reconstitution of the school in which the educator is employed. Those rights are only suspended in the event of a reconstitution of the entire school staff. Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators who are currently on an induction or annual contract, that subsequently are offered continuing contract status after the effective date of this proviso, and are employed at a school that is subject to reconstitution under this proviso.

The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the principal and/or principal mentor, the school board of trustees, and the district superintendent. The decision to reconstitute a school shall be made by April 1, at which time notice shall be given to all employees of the school. The department, in consultation with the principal and district superintendent, shall develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school.

Upon approval of the school renewal plans by the department and the State Board of Education, a newly identified school or a currently identified school with an absolute rating of below average or at-risk on the report card will receive a base amount and a per pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. No more than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended in the current fiscal year for strategies outlined in the school's renewal plan. Schools must use technical assistance funds to augment or increase, not to replace or supplant local or state revenues that would have been used if the technical assistance funds had not been available. Schools must use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue sources.

**SFC:** AMEND FURTHER to reinsert "\$13,000,000." Direct that \$750,000 of this amount may be used for after-school or summer enrichment programs focused on dropout prevention for at-risk students.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SEN:** ADOPT proviso as amended.

**1A.20.** (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for technical assistance to schools with an absolute rating of below average or at-risk on the most recent annual school report card must be allocated according to the severity of not meeting report card criteria.

Schools receiving an absolute rating of below average or at-risk must develop and submit to the Department of Education a school renewal plan outlining ~~how technical assistance allocations will be utilized and~~ goals for improvements ~~will be obtained~~. Each Of the technical assistance funds allocated to below average or at-risk schools each allocation must address specific strategies designed to increase student achievement and must include measures to evaluate success. The school renewal plan may include expenditures for recruitment incentives for faculty and staff, performance incentives for faculty and staff, assistance with curriculum and test score analysis, professional development activities based on curriculum and test score analysis that may include daily stipends if delivered on days outside of required contract days. School expenditures of technical assistance shall be monitored by the Department of Education.

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of below average or at-risk in designing and implementing technical assistance school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the plan. In addition, the department must monitor student academic achievement and the expenditure of technical assistance funds in schools receiving these funds and report their findings to the General Assembly and the Education Oversight Committee by January first of each fiscal year as the General Assembly may direct. If the Education Oversight Committee or the department requests information from schools or school districts regarding the expenditure of technical assistance funds pursuant to evaluations, the school or school district must provide the evaluation information necessary to determine effective use. If the school or school district does not provide the evaluation information necessary to determine effective use, the principal of the school or the district superintendent may be subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for the failure to provide the required information.

~~The department shall coordinate with and monitor the services provided by the School Improvement Council Assistance and the Writing Improvement Network to the schools. Based on criteria jointly determined by the department and the Education Oversight Committee, the School Improvement Council Assistance and the Writing Improvement Network must submit external evaluations to the Education Oversight Committee at least once every three years.~~

No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and expended by the department for implementation and delivery of technical assistance services. Using previous report card data, the department shall identify priority schools. Up to \$13,000,000 of the total funds appropriated for technical assistance shall be used by the department to work with those schools identified as priority schools. Of this amount, \$750,000 may be used for after-school or summer enrichment programs focused on dropout prevention for at-risk students.

The department will create a system of levels of technical assistance for schools that will receive technical assistance funds. The levels will be determined by the severity of not meeting report card criteria. The levels of technical assistance may include a per student allocation, placement of a principal mentor, replacement of the principal, and/or reconstitution of a school.

Reconstitution means the redesign or reorganization of the school, which includes the declaration that all positions in the school are considered vacant. Certified staff currently

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

employed in priority schools must undergo a formal evaluation in the spring following the school's identification as a priority school and must meet determined goals to be rehired and continue their employment at that school. Student achievement will be considered as a significant factor when determining whether to rehire existing staff. Educators who were employed at a school that is being reconstituted prior to the effective date of this proviso and to whom the employment and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned to another school in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not apply to educators who are employed in the district and assigned to the priority schools after the effective date of this proviso, in the event of a reconstitution of the school in which the educator is employed. Those rights are only suspended in the event of a reconstitution of the entire school staff. Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators who are currently on an induction or annual contract, that subsequently are offered continuing contract status after the effective date of this proviso, and are employed at a school that is subject to reconstitution under this proviso.

The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the principal and/or principal mentor, the school board of trustees, and the district superintendent. The decision to reconstitute a school shall be made by April 1, at which time notice shall be given to all employees of the school. The department, in consultation with the principal and district superintendent, shall develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school.

Upon approval of the school renewal plans by the department and the State Board of Education, a newly identified school or a currently identified school with an absolute rating of below average or at-risk on the report card will receive a base amount and a per pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. No more than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended in the current fiscal year for strategies outlined in the school's renewal plan. Schools must use technical assistance funds to augment or increase, not to replace or supplant local or state revenues that would have been used if the technical assistance funds had not been available. Schools must use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue sources.

**1A.22 AMEND FURTHER** (School Districts and Special Schools Flexibility) Provides guidelines and requirements for school districts and special schools to have the ability to transfer and expend funds among general fund revenues, EIA funds, Lottery funds, and Children's Education Endowment Fund for school facilities and fixed equipment assistance to ensure the delivery of academic and arts instruction. Prohibits school districts from transferring debt service or bonded indebtedness funds. Authorizes school districts and the department to purchase the most economical type of bus fuel.

**WMC:** AMEND proviso to change references to "Fiscal Year 2010-11" to "current fiscal year." Delete the requirement that savings generated from suspension of the writing assessment and new textbooks adoptions be allocated to school districts based on the EFA formula and instead direct that they be allocated based on the number of weighted pupil units in each district. *Change in methodology for distributing funds generated from the savings from suspended programs ensures that all districts receive funds generated from the savings.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education. *EIA Companion to 1.40.*

**HOU:** ADOPT proviso as amended.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**HOU2:** AMEND FURTHER to specify that a school district may not transfer funds “allocated specifically for state level maintenance of effort requirements under IDEA” required for debt service or bonded indebtedness. Sponsor: Rep. Cooper.

**1A.22.** (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for state level maintenance of effort requirements under IDEA, required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the current school year ending June 30, ~~2011~~. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

“In\$ite” means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to public charter schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the ~~2010-11~~ current fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the internet website maintained by the school district.

For ~~Fiscal Year 2010-11~~ the current fiscal year, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list ~~must~~ may be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

For ~~Fiscal Year 2010-11~~ *the current fiscal year*, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

- (i) the transaction amount;
- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

**SFC:** AMEND FURTHER to reinsert the requirement that savings generated from the suspension of writing assessment and new textbook adoptions be allocated based on the "EFA formula" rather than the "number of weighted pupil units."

**SEN:** ADOPT proviso as amended.

**1A.22.** (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the InSite

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the current school year ending June 30, ~~2011~~. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

"In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to public charter schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the ~~2010-11~~ current fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the internet website maintained by the school district.

For ~~Fiscal Year 2010-11~~ the current fiscal year, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list ~~must~~ may be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For ~~Fiscal Year 2010-11~~ the current fiscal year, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

- (i) the transaction amount;
- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

**1A.31 DELETE** (One Year Suspension of EIA Programs) Temporarily suspends the Palmetto Gold and Silver program for FY 10-11 and allocates the funds appropriated to them to teacher salaries and fringe benefits; National Board Certification Incentive salary supplements; teacher supplies; Science PLUS; and Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the program. Authorizes schools to still be recognized as Palmetto Gold and Silver recipients in 2010-11, but without compensation.

**WMC:** AMEND proviso to direct that the High Schools That Work and Arts Curricula Instruction programs also be temporarily suspended for FY 11-12 and that savings generated from the suspension be allocated to districts based on the number of weighted pupil units.

**HOU:** AMEND proviso to delete reference to "High Schools that Work." Sponsor: Rep. Gambrell. AMEND FURTHER to delete reference to "Arts Curricula Instruction." Sponsors: Reps. Bingham, Harrison, and Stavrinakis.

**1A.31.** (SDE-EIA: One Year Suspension of EIA Programs) The following program funded with EIA revenues will be temporarily suspended for Fiscal Year ~~2010-11~~ 2011-12 and funds appropriated to this program ~~allocated to teacher salaries and fringe benefits, National Board Certification Incentive salary supplements, teacher supplies, Science PLUS, and the Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the Teacher Fellows Program:~~ the Palmetto Gold and Silver program. Schools may still be recognized as Palmetto Gold and Silver recipients in Fiscal Year ~~2010-11~~ 2011-12 but will not receive financial compensation. Savings generated from the suspension of this program shall be allocated to the districts based on the number of weighted pupil units.

**SFC:** ADOPT proviso as amended.

**SEN:** DELETE proviso. *Ruled Out of Order.*

**1A.31.** (SDE-EIA: One Year Suspension of EIA Programs) ~~The following program funded with EIA revenues will be temporarily suspended for Fiscal Year 2010-11 and funds appropriated to this program allocated to teacher salaries and fringe benefits, National Board~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~Certification Incentive salary supplements, teacher supplies, Science PLUS, and the Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the Teacher Fellows Program: the Palmetto Gold and Silver program. Schools may still be recognized as Palmetto Gold and Silver recipients in Fiscal Year 2010-11 but will not receive financial compensation.~~

- 1A.48 AMEND NEW PROVISO (Aid to Districts) WMC:** ADD new proviso to direct that Aid to Districts funds in program XI.A.1 be dispersed to school districts based on the number of weighted pupil units.  
**HOU:** ADOPT new proviso.

*1A.48. (SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, XI.A.1 Aid to Districts shall be dispersed to school districts based on the number of weighted pupil units.*

**SFC:** AMEND new proviso to distribute the funds based on the EFA formula rather than on the number of weighted pupil units.

**SEN:** ADOPT new proviso as amended.

*1A.48. (SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, XI.A.1 Aid to Districts shall be dispersed to school districts based on the Education Finance Act formula.*

- 1A.50 AMEND NEW PROVISO (Disbursements/Writing Improvement Network) WMC:** ADD new proviso to require, during FY 11-12, the Writing Improvement Network, School Improvement Council, and S.C. Geographic Alliance provide a report to the department that outlines the costs and benefits of their respective programs.  
**HOU:** ADOPT new proviso.

*1A.50. (SDE-EIA: XI.F.2-Disbursements/Writing Improvement Network) During Fiscal Year 2011-12 the Writing Improvement Network, the School Improvement Council and the South Carolina Geographic Alliance must supply a report to the department outlining the costs and benefits of their respective programs.*

**SFC:** AMEND new proviso to specify “from the funds appropriated to the department and allocated to the entities.”

**SEN:** ADOPT new proviso as amended.

*1A.50. (SDE-EIA: XI.F.2-Disbursements/Writing Improvement Network) During Fiscal Year 2011-12, from the funds appropriated to the department and allocated to the Writing Improvement Network, the School Improvement Council and the South Carolina Geographic Alliance, the entities must supply a report to the department outlining the costs and benefits of their respective programs.*

- 1A.51 DELETE NEW PROVISO (Suspend Education Oversight Committee) WMC:** ADD new proviso to suspend the EOC and devolve their duties, functions, and responsibilities to the Department of Education for FY 11-12 and direct that their assets be transferred to the department. Direct that \$200,000 of EOC Public Relations and Education Oversight Committee and EOC Family Involvement funds be used for “Month 13” payments for salaries, benefits, accumulated annual leave, equipment leases, communications charges and any remaining services invoiced to the committee. Authorize the department to use these funds to pay the agency’s share of COBRA for terminated employees. Require the department to provide not less than \$75,000 to the Middle Grades Project and \$100,000 to the Council on

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Economic Education. Require the department to transfer funds for the annual CDEPP evaluation to the Office of First Steps to serve students in the CDEPP program. Direct the remaining funds be used for Teacher Salaries. Authorize unexpended funds to be carried forward and be used for Teacher Salaries.

**HOU:** ADOPT new proviso.

*IA.51. (Suspend Education Oversight Committee) The Education Oversight committee as established by Section 59-6-10 of the 1976 Code shall be suspended for Fiscal Year 2011-12. The duties, functions and responsibilities of the committee shall be devolved to the Department of Education for Fiscal Year 2011-12, and physical assets shall be transferred to the department. Of the funds appropriated in Part IA, Section 1, XI.E.2. for EOC Public Relations and Part IA, Section 1, XI.F.2. for the Education Oversight Committee and EOC Family Involvement, the department shall utilize no more than \$200,000 for "13<sup>th</sup> month" payments for salaries, benefits, accumulated annual leave, equipment leases, communications charges and any remaining services invoiced to the committee. The department may also utilize these funds for payment of the agency share of COBRA for terminated employees. The department shall be responsible for providing not less than \$75,000 to the Middle Grades Project and \$100,000 to the Council on Economic Education. The department is also directed to transfer the funds appropriated to the EOC for the annual CDEPP evaluation to the Office of First Steps to serve students in the CDEPP program. Remaining funds are directed to Part IA, Section 1, XI. C.2. Teacher Salaries. Unexpended funds from the prior fiscal year shall be carried forward and are directed to Part IA, Section 1, XI. C.2. Teacher Salaries.*

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

*IA.51. (SDE:EIA - Suspend Education Oversight Committee) DELETED*

**1A.55 ADD** (Building Fund Flexibility) **SFC:** ADD new proviso to authorize school districts to flex School Building Aid Program funds for FY 11-12. *Companion to 1.95.*  
**SEN:** ADOPT new proviso.

*IA.55. (SDE-EIA: Building Fund Flexibility) For Fiscal Year 2011-12, a school district may flex funds appropriated pursuant to the School Building Aid Program.*

**1A.56 ADD** (Award Allocations) **HOU2:** ADD new proviso to direct that for FY 11-12, Palmetto Gold and Silver program allocations be directed to school districts and be allocated based on the number of weighted pupil units. Sponsor: Rep. Cooper. *Note: Proviso IA.55 in HOU2 version.*

*IA.56. (SDE-EIA: Award Allocations) For Fiscal Year 2011-12, the funds allocated for the Palmetto Gold and Silver program will be directed to school districts and allocated based on the number of weighted pupil units.*

**SECTION 2 - H66-LOTTERY EXPENDITURE ACCOUNT**

**2.2 DELETE** (SDE Lottery Carry Forward) Authorizes the Department of Education to carry forward unexpended lottery funds into the current fiscal year and expend these funds for expenditures incurred in the prior fiscal year or for the same purpose.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~2.2. (LEA: SDE Lottery Carry Forward) The Department of Education is authorized to carry forward and expend any unexpended balances of lottery funds from the prior fiscal year into the current fiscal year for expenditures incurred in the prior fiscal year or to be expended for the same purpose.~~

**2.6 AMEND NEW PROVISO FURTHER** (FY 11-12 Lottery Funding) **WMC:** ADD new proviso to direct expenditure of lottery funds as certified by the BEA for FY 11-12. Direct that lottery funds must be used to supplement and not supplant existing education funds. Direct the B&C Board to prepare lottery expenditure account detail to reflect lottery appropriations. Direct that all lottery revenue, including interest earnings, be carried forward and used to support specified appropriations. Direct FY 11-12 lottery appropriations as follows: \$47,000,000 to CHE and State Board for Tec and Comp Ed for Tuition Assistance; \$106,554,616 to CHE for LIFE Scholarships; \$7,823,474 to CHE for HOPE Scholarships; \$30,277,240 to CHE for Palmetto Fellows Scholarships; \$11,631,566 to CHE for Need-Based Grants; \$7,766,604 to Tuition Grants Commission for Tuition Grants; \$1,700,000 to CHE for the National Guard Tuition Repayment Program; \$2,500,000 to SC State University; \$4,154,702 for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; \$29,491,798 to Dept. of Education for K-5 Reading, Math, Science & Social Studies programs; \$2,000,000 to Dept. of Education for Grades 6-8 Reading, Math, Science, & Social Studies programs; \$3,000,000 to CHE for Higher Education Excellence Enhancement Program; and \$200,000 to School for the Deaf and the Blind for Technology Replacement. Direct that FY 11-12 Tuition Assistance funds must be distributed to technical colleges & two-year institutions as provided in Section 59-150-360. Direct that \$250,000 of the funds appropriated to SC State be used for the BRIDGE program. Suspend, for the current fiscal year, the provisions of Section 2-75-30 regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment. Authorize CHE to temporarily transfer funds between line items to ensure timely receipt of scholarships and tuition assistance. State the goal of the General Assembly to fund the Tuition Assistance program at a level to support at least \$996 per student per term for full-time students. Direct that net lottery proceeds and investment earnings in excess of certified net lottery proceeds and investment earnings are appropriated and must be used to ensure that LIFE, Palmetto Fellows, and HOPE scholarships are fully funded for FY 11-12. Direct that if lottery revenue for FY 11-12 is less than the amounts appropriated, these appropriations are reduced on a pro rata basis except for LIFE, HOPE, and Palmetto Fellows Scholarships. Authorize CHE to use up to \$260,000 of LIFE, HOPE, and Palmetto Fellow Scholarship funds to provide the necessary level of program support the award process. Authorize Higher Ed Tuition Grants to use up to \$70,000 of Tuition Grants funds to support the grant award process. Direct that \$12,400,000 of certified unclaimed prize money is appropriated as follows: \$5,722,729 to the Department of Education for K-5 Reading, Math, Science & Social Studies Program. Direct that allocations designated in Section 59-150-230(I) [UNCLAIMED PRIZES] are suspended for the current fiscal year. Direct that of any unclaimed prize funds in excess of the amount certified by the BEA the first \$1,500,000 be directed to CHE for the Partnership Among South Carolina Academic Libraries (PASCAL) Program; the next \$5,470,093 be directed for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; the next \$2,000,000 be directed to the State Library for Aid to County Libraries; the next \$1,000,000 be directed to CHE for the Higher Education Excellence Enhancement Program; the next \$4,000,000 be directed to the State Bd for Tec and Comp Ed for the Allied Health Initiative; and the next \$1,000,000 be directed to CHE for the Critical Needs Nursing Program. Direct that additional revenue in excess of the amount certified by the BEA for unclaimed prizes be distributed to CHE for LIFE, HOPE, and Palmetto Fellows Scholarship. Authorize the B&C Board to distribute lottery funds on a monthly basis during the final quarter of the fiscal year.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**HOU:** ADOPT new proviso.

2.6. (LEA: FY 2011-12 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2011-12 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education and State Board for Technical and Comprehensive Education -- Tuition Assistance..... \$ 47,000,000;
- (2) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149, Title 59..... \$ 106,554,616;
- (3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370..... \$ 7,823,474;
- (4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in Section 59-104-20..... \$ 30,277,240;
- (5) Commission on Higher Education--Need-Based Grants..... \$ 11,631,566;
- (6) Tuitions Grants Commission--Tuition Grants..... \$ 7,766,604;
- (7) Commission on Higher Education--National Guard Tuition Repayment Program as Provided in Section 59-111-75..... \$ 1,700,000;
- (8) South Carolina State University..... \$ 2,500,000;
- (9) Technology--Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges..... \$ 4,154,702;
- (10) Department of Education--K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525..... \$ 29,491,798;
- (11) Department of Education--Grades 6-8 Reading, Math, Science & Social Studies Program..... \$ 2,000,000;
- (12) Commission on Higher Education--Higher Education Excellence Enhancement Program..... \$ 3,000,000; and
- (13) School for the Deaf and the Blind--Technology Replacement..... \$ 200,000.

Fiscal Year 2011-12 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds appropriated.

Of the funds appropriated to South Carolina State University, \$250,000 may be used for the BRIDGE Program.

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2011-12 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2011-12 are fully funded.

If the lottery revenue received for Fiscal Year 2011-12 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.

The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision for Tuition Grants to provide the necessary level of program support for the grants award process.

For Fiscal Year 2011-12, \$12,400,000 certified from unclaimed prizes shall be appropriated to the Department of Education for K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525. The allocations of Section 59-150-230(1) of the 1976 Code are suspended for the current fiscal year.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$1,500,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next \$5,470,093 shall be directed for Technology: Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges. The next \$2,000,000 shall be directed to the State Library for Aid to County Libraries. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing Program. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships.

Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.

**SFC:** AMEND new proviso to change the following excess unclaimed prizes distribution: Technology: Public Four-Year Universities, Two Year Institutions, and State Technical Colleges from “\$5,470,093” to \$2,792,822” and specify that the \$2,000,000. Delete the authorization for the B&C Board to distribute lottery funds on a monthly basis during the final quarter of the fiscal year. *Note: \$2,677,271 will be added to CHE’s budget for Technology: Public Four-Year Universities, Two Year Institutions, and State Technical Colleges.*

**SEN:** AMEND FURTHER add \$733,000 for State Library, Aid to County Libraries. Sponsor: Sen. Malloy. AMEND FURTHER to direct that rather than \$12,400,000 of the certified unclaimed prizes monies being directed to SDE for K-5 Reading, Math, and Social Studies, \$12,350,000 be directed to SDE to purchase new school buses and \$50,000 be directed to DAODAS for gambling related services. Sponsors: Sens. Malloy, McConnell, and Massey.

2.6. (LEA: FY 2011-12 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2011-12 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education and State Board for  
Technical and Comprehensive Education -- Tuition Assistance..... \$ 47,000,000;
- (2) Commission on Higher Education--LIFE Scholarships as  
provided in Chapter 149, Title 59..... \$ 106,554,616;
- (3) Commission on Higher Education--HOPE Scholarships as  
provided in Section 59-150-370..... \$ 7,823,474;
- (4) Commission on Higher Education--Palmetto Fellows  
Scholarships as provided in Section 59-104-20..... \$ 30,277,240;
- (5) Commission on Higher Education--Need-Based Grants ..... \$ 11,631,566;
- (6) Tuitions Grants Commission--Tuition Grants ..... \$ 7,766,604;
- (7) Commission on Higher Education--National Guard Tuition  
Repayment Program as Provided in Section 59-111-75..... \$ 1,700,000;
- (8) South Carolina State University ..... \$ 2,500,000;
- (9) Technology--Public Four-Year Universities, Two-Year  
Institutions, and State Technical Colleges..... \$ 4,154,702;
- (10) Department of Education--K-5 Reading, Math, Science &  
Social Studies Program as provided in Section 59-1-525 ..... \$ 29,491,798;
- (11) Department of Education--Grades 6-8 Reading, Math,  
Science & Social Studies Program ..... \$ 2,000,000;
- (12) Commission on Higher Education--Higher Education  
Excellence Enhancement Program..... \$ 3,000,000;
- (13) School for the Deaf and the Blind--Technology Replacement..... \$ 200,000; and
- (14) State Library--Aid to County Libraries..... \$ 733,000.

Fiscal Year 2011-12 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds appropriated .

Of the funds appropriated to South Carolina State University, \$250,000 may be used for the BRIDGE Program.

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2011-12 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2011-12 are fully funded.

If the lottery revenue received for Fiscal Year 2011-12 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.

The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision for Tuition Grants to provide the necessary level of program support for the grants award process.

For Fiscal Year 2011-12, of the funds certified from unclaimed prizes, \$12,350,000 shall be appropriated to the Department of Education for the purchase of new school buses and \$50,000 shall be appropriated to the South Carolina Department of Alcohol and Other Drug Abuse Services for gambling related services.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$1,500,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next \$2,792,822 shall be directed for Technology: Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges. The next \$2,000,000 shall be directed to the State Library for Aid to County Libraries. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing Program. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships.

- 2.7**     **ADD** (Election Day Sales. **SEN:** ADD new proviso to suspend Section 59-150-210(E) [SALE ON ELECTION DAY] for the current fiscal year. Sponsor: Sen. Malloy.

2.7. (LEA: Election Day Sales) For the current fiscal year, Section 59-150-210(E) is suspended.

**SECTION 3 - H71-WIL LOU GRAY OPPORTUNITY SCHOOL**

- 3.9**     **AMEND NEW PROVISO** (Capacity) **WMC:** ADD new proviso to direct the Wil Lou Gray Opportunity School to use their funds to bring the school up to full capacity and to report electronically by December 1<sup>st</sup> to the Chairmen of the Senate Finance and House Ways and Means Committees on how the funds have been used and how many additional students have been served.  
**HOU:** ADOPT new proviso.

3.9. (WLG: Capacity) For Fiscal Year 2011-12, funds appropriated to Wil Lou Gray Opportunity School must be used to bring the school up to full capacity and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1<sup>st</sup>, on how the funds have been utilized and how many additional students have been served.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SFC:** AMEND new proviso to direct that funds must be used to bring the school up to full capacity “to the extent possible.”

**SEN:** ADOPT new proviso as amended.

3.9. (WLG: Capacity) For Fiscal Year 2011-12, funds appropriated to Wil Lou Gray Opportunity School must be used to bring the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1<sup>st</sup>, on how the funds have been utilized and how many additional students have been served.

**SECTION 4 - H75-SCHOOL FOR THE DEAF AND THE BLIND**

**4.14 AMEND NEW PROVISO (Capacity) WMC:** ADD new proviso to direct the School for the Deaf and the Blind to use their funds to bring the school up to full capacity and to report electronically by December 1<sup>st</sup> to the Chairmen of the Senate Finance and House Ways and Means Committees on how the funds have been used and how many additional students have been served.

**HOU:** ADOPT new proviso.

4.14. (SDB: Capacity) For Fiscal Year 2011-12, funds appropriated to the School for the Deaf and the Blind must be used to bring the school up to full capacity and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1<sup>st</sup>, on how the funds have been utilized and how many additional students have been served.

**SFC:** AMEND new proviso to direct that funds must be used to bring the schools up to full capacity “to the extent possible.”

**SEN:** ADOPT new proviso as amended.

4.14. (SDB: Capacity) For Fiscal Year 2011-12, funds appropriated to the School for the Deaf and the Blind must be used to bring the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1<sup>st</sup>, on how the funds have been utilized and how many additional students have been served.

**SECTION 5 - L12-JOHN DE LA HOWE SCHOOL**

**5.4 AMEND NEW PROVISO (Capacity) WMC:** ADD new proviso to direct the John de la Howe School to use their funds to bring the school up to full capacity and to report electronically by December 1<sup>st</sup> to the Chairmen of the Senate Finance and House Ways and Means Committees on how the funds have been used and how many additional students have been served.

**HOU:** ADOPT new proviso.

5.4. (JDLHS: Capacity) For Fiscal Year 2011-12, funds appropriated to John de la Howe School must be used to bring the school up to full capacity and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1<sup>st</sup>, on how the funds have been utilized and how many additional students have been served.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SFC:** AMEND new proviso to direct that funds must be used to bring the schools up to full capacity “to the extent possible.”

**SEN:** ADOPT new proviso as amended.

5.4. (JDLHS: Capacity) For Fiscal Year 2011-12, funds appropriated to John de la Howe School must be used to bring the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1<sup>st</sup>, on how the funds have been utilized and how many additional students have been served.

**SECTION 6 - H03-COMMISSION ON HIGHER EDUCATION**

**6.4 DELETE** (Performance Funding Calculations Changes) Prohibits the allocations made for the fiscal year following March 1<sup>st</sup> of any year from being adjusted by the commission due to any performance funding calculation or methodology changes.

**SEN:** DELETE proviso. *Ruled Out of Order.*

~~6.4. (CHE: Performance Funding Calculations Changes) The allocations made for the immediate fiscal year following March 1 of any year may not be adjusted by the commission due to any change in performance funding calculations, or methodology.~~

**6.6 AMEND** (African-American Loan Program) Directs that \$149,485 of African-American Loan Program funds be distributed to SC State University and \$53,389 be distributed to Benedict College and directs that the funds be used for a loan program whose major focus is to attract African-American males to the teaching profession. Directs CHE to act as the monitoring and reporting agency for the African-American Loan Program and limit to 10% the amount of the funds that can be used for administrative purposes.

**SEN:** AMEND proviso to change the amount which may be used for administrative purposes from “10%” to “7%.” Sponsor: Sen. Massey.

**6.6. (CHE: African-American Loan Program)** Of the funds appropriated to the Commission on Higher Education for the African-American Loan Program, \$149,485 shall be distributed to South Carolina State University and \$53,389 shall be distributed to Benedict College, and must be used for a loan program with the major focus of attracting African-American males to the teaching profession. The Commission of Higher Education shall act as the monitoring and reporting agency for the African-American Loan Program. Of the funds allocated according to this proviso, no more than ~~10%~~ 7% shall be used for administrative purposes.

**6.12 DELETE** (Research Universities Matching Resources) Authorizes a research university, notwithstanding Sections 2-75-05(B)(4) and (6) and 2-75-50, to use Engineering, Nanotechnology, Biomedical Sciences, Energy Sciences, Environmental Sciences, Information and Management Sciences and other sciences and research funds that are approved by the Research Centers of Excellence Review Board and that are derived from private or federal government sources, excluding state funds, tuition, or fees, in order to meet the endowed professorships matching requirement. Directs that the only federal funds that may be used for this purpose are funds received after July 1, 2003.

**SEN:** DELETE proviso. *Ruled Out of Order.*

~~6.12. (CHE: Research Universities Matching Resources) Notwithstanding the provisions of Sections 2-75-05(B)(4) and (6) and 2-75-50 of the 1976 Code, to meet the endowed professorships matching requirement of those provisions, a research university may use funds~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~specifically provided for use in the areas of Engineering, Nanotechnology, Biomedical Sciences, Energy Sciences, Environmental Sciences, Information and Management Sciences, and for other sciences and research that create well-paying jobs and enhanced economic opportunities for the people of South Carolina and that are approved by the Research Centers of Excellence Review Board that are derived from private or federal government sources, excluding state appropriations to the institution, tuition, or fees. The only federal dollars that may be used to meet the endowed professorships matching requirement are those federal dollars received after July 1, 2003.~~

- 6.18 DELETE** (Education & General Funds - Institutions) Directs CHE to allocate the funds appropriated for “Education and General Funds for Institutions” to research universities, excluding Clemson and USC-Columbia, 4-year comprehensive teaching colleges and universities, 2-year branches of USC, and the state technical and comprehensive education system per the allocation method adopted by CHE for FY 07-08 such that 35% is distributed to institutions to begin addressing parity issues and the remaining funds distributed based on the institution’s share as determined by CHE’s FY 07-08 funding model.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

~~**6.18.** (CHE: Education & General Funds - Institutions) Of the funds appropriated to the Commission on Higher Education for Education and General Funds for Institutions, the commission shall allocate the funds to research universities, excluding Clemson University and the University of South Carolina Columbia, four year comprehensive teaching colleges and universities, two year branches of the University of South Carolina, and the state technical and comprehensive education system per the allocation methodology adopted by the commission for FY 2007-08 such that 35% is distributed to the institutions to begin addressing parity issues with the remaining funding distributed based on the institution’s share as determined by the commission’s funding model for Fiscal Year 2007-08.~~

- 6.20 DELETE** (Need-Based Grant Allocation Methodology) Requires need-based grant funds be allocated to public institutions using a methodology that considers state resident Pell Grant recipients so that each institution receives a sufficient amount to provide a similar level of support to the Pell recipient when compared to tuition and required fees. Prohibits an institution from receiving a smaller proportion than would be provided under the student enrollment methodology used in past years.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

~~**6.20.** (CHE: Need-Based Grant Allocation Methodology) Need-based grant funds for public institutions must be allocated using a methodology that considers state resident Pell Grant recipients such that each public institution shall receive an amount sufficient to provide a similar level of support per state resident Pell recipient when compared to tuition and required fees. However, no public institution shall receive a smaller proportion of funding than would be provided under the student enrollment methodology used in past years.~~

**SECTION 15 - H45-UNIVERSITY OF SOUTH CAROLINA**

- 15.4 ADD** (Child Abuse Medical Response Program) **SFC:** ADD new proviso to establish the minimum level of funding for the Medical Response Program at \$576,160 and prohibit USC from reducing the funds by more than a proportional amount of any mid-year or base reductions. Fiscal Impact: No impact on the General Fund. Recurring funding of \$800,000 was transferred from DHHS to the USC School of Medicine in FY 09-10 for the operation of

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

the program. The original funding amount has been reduced by 28% to account for base reductions assessed to USC.

**SEN:** ADOPT new proviso.

15.4. (USC: Child Abuse Medical Response Program) Of the funds appropriated to the University of South Carolina School of Medicine, not less than \$576,160 shall be expended for the Child Abuse and Neglect Medical Response Program. In addition, when instructed by the Budget and Control Board or the General Assembly to reduce funds by a certain percentage, the university may not reduce the funds for the Child Abuse and Neglect Medical Response Program greater than such stipulated percentage.

**SECTION 17 - H54-MEDICAL UNIVERSITY OF SOUTH CAROLINA**

**17.3 DELETE** (MUSC: Preterm Birth Prevention) Directs MUSC, for FY 10-11, to implement a preterm prevention case management program using a disease management coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. Directs that the purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. Requires the Department of Health and Human Services to provide administrative funding to MUSC for the cost of the program.

**WMC:** AMEND proviso to change Fiscal Year “2010-11” to “2011-12.” Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**17.3.** (MUSC: Preterm Birth Prevention) For Fiscal Year ~~2010-11~~ 2011-12, the Medical University of South Carolina shall implement a preterm prevention case management program utilizing a disease management coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. The purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. The Department of Health and Human Services shall provide administrative funding to the Medical University of South Carolina for the cost of this program.

**SFC:** DELETE proviso.

**SEN:** ADOPT deletion of proviso.

~~17.3. (MUSC: Preterm Birth Prevention) For Fiscal Year 2010-11, the Medical University of South Carolina shall implement a preterm prevention case management program utilizing a disease management coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. The purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. The Department of Health and Human Services shall provide administrative funding to the Medical University of South Carolina for the cost of this program.~~

**SECTION 18 - H59-STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION**

**18.1 AMEND** (Training of New & Expanding Industry) States that it is the intent of the General Assembly that notwithstanding the amounts appropriated for the Center for Accelerated Technology Training, the State Board for Tec and Comp Ed shall expend funds necessary to provide direct training for new and expanding business or industry. Directs that if expenditures are above appropriations, the funds for the center shall be appropriately adjusted only if the B&C Board approves the adjustment.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SEN:** AMEND proviso to direct that if “projected” expenditures are above the appropriations for the center, appropriations “may” be adjusted only if the B&C Board determines that the projected expenditures are directly related to an existing technology training program where demand exceeds program capacity or a new program is necessary to train new or expanding business or industry. Require B&C Board approval for the adjustment after which the B&C Board Executive Director must certify that the adjustment is directly related to these requirements; and require a copy of the certification be provided to certain members of the General Assembly. Require the State Board for Tec and Comp Ed to submit a statement to certain members of the General Assembly that itemizes how initial technology training appropriations were used, the specific purpose for the adjustment and the ultimate recipient of the adjusted amount. Limit the aggregate amount of all adjustments to \$10,000,000. Authorize the State Board for Tec and Comp Ed, if projected expenditures for the center exceed appropriations and authorized adjustments, to request a supplemental appropriation from the General Assembly. Sponsor: Sen. Malloy.

**18.1.** (TEC: Training of New & Expanding Industry) (A) Notwithstanding the amounts appropriated in this section for the “Center for Accelerated Technology Training,” it is the intent of the General Assembly that the State Board for Technical and Comprehensive Education expend whatever the funds as are necessary to provide direct training for new and expanding business or industry.

(B) In the event *projected* expenditures are above the appropriation, the appropriation in this section for the “Center for Accelerated Technology Training” shall *may* be appropriately adjusted, if and only if, the Budget and Control Board ~~approves the adjustment.~~ *determines that the projected expenditures are directly related to:*

(1) *an existing technology training program where the demand for the program exceeds the program's capacity and the additional funds are to be utilized to meet the demand;*  
or

(2) *a new program is necessary to provide direct training for new or expanding business or industry.*

(C) *The adjustment may occur only upon approval by the Budget and Control Board. Upon the Budget Control Board's approval of the adjustment, the Executive Director of the Budget and Control Board must certify, in writing, that the adjustment is directly related to either subsection (B)(1) or (B)(2). The Executive Director must immediately provide a copy of the written certification, including the amount of the adjustment, to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.*

(D) *Upon the Executive Director's written certification approving an adjustment, the State Board for Technical and Comprehensive Education must submit a statement to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee containing a detailed itemization of the manner in which funds initially appropriated for technology training were utilized, the specific purpose for the adjustment, and the ultimate recipient of the adjusted amount.*

(E) *The aggregate amount of all adjustments made pursuant to this section may not exceed ten million dollars.*

(F) *In the event that projected expenditures for the Center for Accelerated Technology Training exceed the amounts appropriated and the amount of any adjustments authorized, the State Board for Technical and Comprehensive Education may request a supplemental appropriation from the General Assembly.*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

- 18.4. DELETE** (Caterpillar Dealer Academy) authorize Florence-Darlington Technical College's area commission to waive the requirements of Chapter 112 of Title 59 [DETERMINATION OF RATES OF TUITION AND FEES] for student participants in the Caterpillar Dealer Academy operated by Florence-Darlington Technical College.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

~~18.4. (TEC: Caterpillar Dealer Academy) The area commission for the Florence-Darlington Technical College may waive the requirements of Chapter 112, Title 59 for student participants in the Caterpillar Dealer Academy operated by Florence-Darlington Technical College.~~

**SECTION 21 - J02-DEPARTMENT OF HEALTH AND HUMAN SERVICES**

- 21.11 DELETE** (Chiropractic Services) Directs the department to use their appropriated funds to cover medically necessary chiropractic services for Medicaid eligible recipients.  
**SEN:** DELETE proviso. Sponsor: Sens. Massey and Ryberg.

~~21.11. (DHHS: Chiropractic Services) From the funds appropriated herein, the department is directed to provide coverage for medically necessary chiropractic services for Medicaid eligible recipients.~~

- 21.13 AMEND** (Provider Reimbursement Rate Report) Directs the department, in conjunction with the B&C Board Office of Research and Statistics to prepare a report that compares the Medicaid providers reimbursement rate to the Medicare Program and State Health Plan reimbursement rate; and to submit the report by January 31<sup>st</sup> each year to the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees.  
**SEN:** AMEND proviso to require the report be submitted to members of the General Assembly rather than to the Chairmen of the Senate Finance and House Ways and Means Committees. Sponsor: Sen. Massey.

~~21.13. (DHHS: Provider Reimbursement Rate Report) The Department of Health and Human, in conjunction with the Office of Research and Statistics of the Budget and Control Board, shall prepare a report that compares the reimbursement rate of Medicaid providers to the reimbursement rate of the Medicare Program and the State Health Plan. This report shall be completed by January thirty-first, each year, and submitted to the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees members of the General Assembly.~~

- 21.16 AMEND** (Franchise Fees Suspension) Suspends, effective July 1, 2002, the franchise fees imposed on nursing home beds by the General Assembly during the 2002 session.  
**SEN:** AMEND proviso to delete reference to "July 1, 2002." Sponsor: Sen. Alexander.

~~21.16. (DHHS: Franchise Fees Suspension) Franchise fees imposed on nursing home beds and enacted by the General Assembly during the 2002 session are suspended July 1, 2002.~~

- 21.28 REINSERT/AMEND** (Nursing Services to High Risk/High Tech Children) Directs the department to establish a separate class and comp plan for Registered and Licensed Practical Nurses who provide services to Medically Fragile Children who are Ventilator dependent, Respirator dependent, Intubated, or Parenteral feeding dependent. Requires the plan recognize the skill level needed for caring for Medically Fragile Children. Directs the department to use funds that would have been spent on admitting these children to Hospital Pediatric Intensive

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Care Units due to the lack of in-home nursing services. Directs the department to provide a \$3 hourly rate adjustment to RNs and LPNs who provide specialized and technical care to children defined as High Risk/High Tech.

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

**HOU:** ADOPT deletion of proviso.

~~21.28. (DHHS: Nursing Services to High Risk/High Tech Children) The Department of Health and Human Services shall establish a separate classification and compensation plan for Registered Nurses (RN) and Licensed Practical Nurses (LPN) who provide services to Medically Fragile Children, who are Ventilator dependent, Respirator dependent, Intubated, and Parenteral feeding or any combination of the above. The classification plan shall recognize the skill level that these nurses caring for these Medically Fragile Children must have over and above normal home care or school-based nurses.~~

~~The department shall utilize funds that would have been spent for these children being admitted to Hospital Pediatric Intensive Care Units due to the lack of in-home nursing care services. The department shall provide an hourly rate adjustment of \$3.00 per hour to both the RN rate and LPN rate who provide specialized and technical medical care to those children who are defined as High Risk/High Tech.~~

**SFC:** REINSERT proviso and amend to direct the department to “continue” a separate class and comp plan rather than to “establish” one. Maintain the deletion of the requirement that the department use funds that would have been spent on admitting these children to Hospital Pediatric Intensive Care Units due to the lack of in-home nursing services and the requirement that the department provide a \$3 hourly rate adjustment to RNs and LPNs who provide specialized and technical care to children defined as High Risk/High Tech.

**SEN:** ADOPT proviso as amended.

21.28. (DHHS: Nursing Services to High Risk/High Tech Children) The Department of Health and Human Services shall ~~establish~~ *continue* a separate classification and compensation plan for Registered Nurses (RN) and Licensed Practical Nurses (LPN) who provide services to Medically Fragile Children, who are Ventilator dependent, Respirator dependent, Intubated, and Parenteral feeding or any combination of the above. The classification plan shall recognize the skill level that these nurses caring for these Medically Fragile Children must have over and above normal home-care or school-based nurses.

~~The department shall utilize funds that would have been spent for these children being admitted to Hospital Pediatric Intensive Care Units due to the lack of in-home nursing care services. The department shall provide an hourly rate adjustment of \$3.00 per hour to both the RN rate and LPN rate who provide specialized and technical medical care to those children who are defined as High Risk/High Tech.~~

**21.31 DELETE** (Offset Budget Reduction) Authorizes the department to use excess SCHIP stand-alone funds carried forward from the prior year to offset budget reductions. Requires the department to enroll any child into the program if they qualify during FY 10-11.

**SFC:** DELETE proviso. *The stand-alone program has been merged with the regular SCHIP program and there are no excess funds. The proviso is obsolete.*

**SEN:** ADOPT deletion of proviso.

~~21.31. (DHHS: Offset Budget Reduction) In the event of a base budget reduction assessed by the Budget and Control Board or the General Assembly, the Department of Health and Human Services is authorized to utilize Program II, A. 3. Z. Case Services/Public~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~Assistance funds carried forward from the prior fiscal year into the current fiscal year as well as funds appropriated for the same purpose in Fiscal Year 2010-11 that are in excess of program requirements in order to offset Fiscal Year 2010-11 base budget reductions. The department shall be required to enroll into the program any child who qualifies during Fiscal Year 2010-11.~~

- 21.37** **AMEND** (Medicaid Provider Fraud) Directs the department to expand and increase its efforts to identify, report, and combat Medicaid provider fraud and to report to the General Assembly before April 1, 2010 on results, funds recuperated or saved, and information pertaining to prosecutions, including plea agreements.

**SEN:** AMEND proviso to change “2010” to “2012.” Sponsor: Sen. Massey.

**21.37.** (DHHS: Medicaid Provider Fraud) The department shall expand and increase its effort to identify, report, and combat Medicaid provider fraud. The department shall report to the General Assembly before April 1, ~~2010~~ 2012 on the results of these efforts, funds recuperated or saved, and information pertaining to prosecutions of such actions, including pleas agreements entered into.

- 21.46** **AMEND NEW PROVISO FURTHER** (In-Home Health Care Systems for Medicaid Recipients) **WMC:** ADD new proviso to direct the department, during FY 11-12, to pilot test an in-home health care system in up to five counties that had highest incidence of emergency room use during FY 09-10 by Medicaid recipients, including seniors and children covered by Medicaid or SCHIP. Direct that the program provide a state-of-the-art in-home health care system which provides around the clock access to medical assessment care and provides an emergency response function that gives a Medicaid recipient the ability to contact a national emergency response center. Direct that the purpose of the program is to reduce the number of emergency room visits in nonemergency cases and the amount of visits to other medical care facilities. Medicaid recipients selected by the department to participate in this program are required to participate as a condition of receiving these benefits. Direct that in developing the pilot-testing program, seniors over 65, pregnant women in their third trimester, and parents with infants under six months of age shall be given priority. Provide guidelines for required components of the in-home health care system. Require the pilot-testing program be conducted for a period of 3 fiscal years beginning with 2011-12 and, then be converted by the department into a statewide program within the funds made available for this purpose. Authorize the department to take actions as may be required, including making requests for Medicaid waivers when necessary to develop and administer the program. Authorize the department to contract with a third-party provider or vendor to furnish and operate the program. Fiscal Impact: OSB states that the department indicates implementation would result in total recurring costs of \$182,021,054. Total costs to the General Fund of \$54,533,508 and Federal Funds of \$127,487,546, considering a 29.96%/70.04% State-Federal matching rate. The department states it is unable to estimate any potential cost savings to other programs as a result of diverting recipients to in-home health Care. Requested by Department of Health and Human Services.

**HOU:** AMEND new proviso to limit the amount of funds to be used for the pilot test to \$3,000,000 in the aggregate. Direct that the pilot test must include a statistically valid sample of Medicaid patients within the counties as determined by the Department of Health and Human Services Director rather than listing the type of recipients to be included. Require an on call physician be a “South Carolina licensed” physician. Direct that the pilot testing program be for the “current fiscal year” rather than for “three fiscal years.” Sponsor: Rep. Atwater.

**HOU2:** AMEND House version to “allow” rather than mandate that the department may use funds appropriated to pilot test an in-home health care system and delete the requirement that the testing involve a minimum of 5 counties. Sponsor: Rep. Herbkersman.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

21.46. (DHHS: In-Home Health Care Systems for Medicaid Recipients) The Department of Health and Human Services, during Fiscal Year 2011-12, within the funds appropriated, upon application by the department, may pilot test an in-home health care system. The pilot test must include a statistically valid sample of Medicaid patients within the counties as determined by the Director of the Department of Health and Human Services. This program shall provide a state-of-the-art in-home health care system which provides around the clock access to medical assessment care and additionally provides an emergency response function that gives a Medicaid recipient the ability to contact a local emergency response center.

The purpose of the program is to reduce the amount of emergency room visits in nonemergency cases and to reduce the amount of visits to other medical care facilities in order to save on the cost of providing this care and in order to provide better health care.

The in-home health care system option must consist of three main components:

- (1) the medical console and wireless transmitter;
- (2) the medical triage center; and
- (3) the emergency response call center.

The medical console and wireless transmitter must have the following capabilities:

(1) the medical console must be capable of communication between two separate call centers, one of which is a monitoring facility to provide certified medical triage care twenty-four hours a day and the other of which is a monitoring facility to provide emergency response services twenty-four hours a day.

(2) the wireless transmitter for the medical console must have two buttons, one for transmitting a signal to the console to contact the emergency response monitoring facility, and the second button also must send a wireless signal to the console to trigger contact with the medical triage center.

(3) the medical console must be able to send a report/event code to the emergency response call center after a medical triage center call has been placed.

(4) an emergency button on the medical console must include Braille for the sight impaired.

The medical triage center must have or be:

- (1) open twenty-four hours a day, three hundred sixty-five days a year;
- (2) a call center must be located in the United States;
- (3) Utilization Review Accreditation Commission (URAC) accredited;
- (4) on call availability of a South Carolina licensed physician, twenty-four hours, seven days a week for guidance or review of clinical calls as needed;
- (5) registered nurses with a minimum of ten years experience available to answer all calls;

(6) all calls digitally recorded and archived, and a triage report prepared and sent;

(7) daily monitoring of communications with the call center;

(8) fully HIPAA compliant;

(9) bilingual staff in English and Spanish;

(10) a mechanism that ensures that a caller will never receive a busy signal or voice mail when accessing the nurse advice line;

(11) clinical staff able to serve pediatric, adolescent, adult, and senior populations, as well as health care expertise in a variety of clinical areas such as emergency room, pediatrics, critical care, oncology, cardiology, pulmonary, geriatrics, obstetrics/gynecology and general medicine; and

(12) the infrastructure in place to allow the telephone network to digitally communicate with the medical console for incoming call connection, call disconnect, and client file access.

The emergency response call center must:

- (1) be open twenty-four hours a day, three hundred sixty-five days a year;

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

(2) be located in South Carolina;

(3) maintain a digital receiver capable of processing two-way voice audio using multiple formats.

Facilities, emergency response and the medical triage center, shall offer all recipients selected by the department unlimited use of services provided by the emergency monitoring and medical triage facilities at no additional cost burden to the State.

The pilot-testing program must be conducted for the current fiscal year. The department in developing and administering this program is authorized to take such actions as may be required, including making requests for Medicaid waivers when necessary.

The department, in implementing this program on a pilot-testing basis, also is authorized to contract with a third-party provider or vendor to furnish and operate the program or a physician's office that provides a similar patient service.

**SFC:** AMEND FURTHER to delete the pilot testing requirement involving a minimum of 5 counties and instead direct the department to conduct a feasibility study of using in-home health care monitoring systems and either provide the study to the General Assembly by December 1, 2011 or implement a one county pilot project to test the system. Limit the amount of funds the department may use for the pilot project to \$500,000 and require matching funds be received from the entity with whom the departments contracts before agency funds may be expended.

**SEN:** ADOPT new proviso as amended.

21.46. (DHHS: In-Home Health Care Systems for Medicaid Recipients) The Department of Health and Human Services, during Fiscal Year 2011-12, shall conduct a feasibility study of the use of in-home health care monitoring systems. The study shall be provided to the General Assembly no later than December 1, 2011, or the department may implement a pilot project for the testing of an in-home health care system in one county of this State based on the incidence of emergency room use during Fiscal Year 2009-10 by Medicaid recipients. The department shall not expend more than \$500,000 on the pilot and the expenditure of funds is contingent upon the department receiving an equal or greater amount of matching funds from any third party provider or vendor whom the department may contract with to operate the program.

**21.47 DELETE NEW PROVISO** (Pediatric Long Term Care Hospital Reimbursement) **WMC:** ADD new to direct the department to develop and implement a reasonable and appropriate rate methodology for Medicaid services to reimburse a Pediatric Long Term Care Hospital designated under the 2010-2011 DHEC State Health Plan. Direct the department, in developing the rate, to consider rates and methodologies used by other state Medicaid programs. Direct the department to submit any necessary plan amendment to the Centers for Medicare and Medicaid Services (CMS) by August 31, 2011. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

21.47. (DHHS: Pediatric Long Term Care Hospital Reimbursement) The department shall develop and implement a reasonable and appropriate rate methodology for Medicaid services to reimburse a Pediatric Long Term Care Hospital designated under the 2010-2011 Department of Health and Environmental Control State Health Plan. The department shall consider rates and methodologies utilized by other state Medicaid programs in developing this rate. The department shall submit any necessary plan amendment to the Centers for Medicare and Medicaid Services (CMS) no later than August 31, 2011.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**21.47. (DHHS: Pediatric Long Term Care Hospital Reimbursement) DELETED**

**21.48** **ADD** (Medicaid Reporting) **HOU:** ADD new proviso to direct the department, within 90 days of the end of each quarter in FY 11-12, to report each cost savings measures that have been implemented. Direct that the department report, by county, the number of enrolled and active providers by provider type, specialty, and sub-specialty, the number of recipients, by provider type, expenditures by provider type and specialty, and service level usage trends. Require the department continue to annually report HEDIS measures. Direct that each report be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees and be placed on the department's website. Sponsors: Reps. White and Cobb-Hunter.

**21.48. (DHHS: Medicaid Reporting) Within 90 days of the end of each quarter in FY 2011-2012, the department shall report each cost-savings measure implemented. By county, the department shall report the number of enrolled and active providers by provider type, provider specialty and sub-specialty, the number of recipients, the number of recipients by provider type, the expenditures by provider type and specialty, and service level utilization trends. The department shall continue to annually report HEDIS measures, noting where measures improve or decline. Each report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the Ways and Means Committee, and be transparent on the department's website.**

**SFC:** ADOPT new proviso.

**SEN:** AMEND new proviso to direct that the cost savings measures implemented be reported within "15" days of the end of each "month" rather than "90" days of the end of each "quarter." Direct that the report also be submitted to the President Pro Tempore of the Senate and the Speaker of the House. Specify that the report be "prominently displayed" on the department's website. Sponsors: Sens. Massey and Sheheen.

**21.48. (DHHS: Medicaid Reporting) Within fifteen days of the end of each month in FY 2011-2012, the department shall report each cost-savings measure implemented. By county, the department shall report the number of enrolled and active providers by provider type, provider specialty and sub-specialty, the number of recipients, the number of recipients by provider type, the expenditures by provider type and specialty, and service level utilization trends. The department shall continue to annually report HEDIS measures, noting where measures improve or decline. Each report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the Ways and Means Committee, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, and be prominently displayed on the department's website.**

**21.49** **AMEND NEW PROVISO** (Non-Generic Prescriptions) **SFC:** ADD new proviso to allow Medicaid recipients being served by the Department of Mental Health or receiving treatment for HIV/AIDS to continue to receive non-generic medications that maintain the recipient's condition in a stable manner until the specific medication is no longer medically necessary. **SEN:** AMEND new proviso to direct that initial prescriptions for clients who receive drugs through DMH must be generic and if a client is currently receiving a non-generic drug through the department or is receiving a non-generic drug for treating HIV/AIDS through the Medicaid program, those drugs must be changed to generic, if available. Direct that if a physician determines the generic drug is not maintaining the client's condition in a stable manner a non-

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

generic drug may be offered. Sponsor: Sen. Thomas. AMEND FURTHER to direct that if a non-generic drug is less expensive due to rebates it may be covered. Sponsor: Sen. Bryant.

21.49. (DHHS: Non-Generic Prescriptions) Initial prescriptions for medications for clients who receive drugs through the Department of Mental Health must be generic. A client who is currently receiving a non-generic prescription medication through the department, or who is receiving non-generic drugs for the treatment of HIV/AIDS through the Medicaid program must have their prescription changed to generic, if such drug is available. In the event a physician determines that the generic drug does not maintain the client's condition in a stable manner, a non-generic prescription may be offered. If a non-generic drug is less expensive due to rebates, then the non-generic drug may be covered.

- 21.50** ADD (Notice of Proposed Medicaid Rate Reductions or Fee Increases) **SFC:** ADD new proviso to require the department, prior to implementing rate reductions or fee increases, to conduct a minimum 30 day comment period to receive written comments and require a maximum 15 day review period of any comments received. Prohibit the department from implementing a rate reduction or fee increase until a maximum of 45 days have elapsed from the date of notification.  
**SEN:** ADOPT new proviso.

21.50. (DHHS: Notice of Proposed Rate Reductions or Fee Increases) The Department of Health and Human Services may not reduce Medicaid provider rates or increase Medicaid fees, until the department has provided notice of the proposed rate reduction or fee increase and has given a minimum of thirty days from the date of notification for written comments to be submitted. Following this thirty day comment period, the department must take a maximum of fifteen days to review and respond to the comments received. The department must not implement a provider rate reduction or fee increase until a maximum of forty-five days has elapsed from the date of notification.

This does not restrict the annual updating of cost base rates and those rates which are indexed to methodologies provided for in the Medicaid State Plan.

- 21.51** ADD (MCO Lobbying) **SEN:** ADD new proviso to prohibit any S.C. Medicaid Managed Care Organization (MCO) Program from using administrative costs received from the state for lobbying activities. Require the department to notify the MCO of this prohibition when they apply for a contract. Direct that violating this requirement is grounds for the contract to be terminated. Sponsors: Sen. McConnell and Massey.

21.51. (DHHS: MCO Lobbying) For the current fiscal year, no South Carolina Medicaid Managed Care Organization (MCO) Program may use administrative costs received from the State of South Carolina for lobbying activities. The Department of Health and Human Services shall notify the MCO of the prohibition at the time the MCO applies for a contract. A violation of this requirement constitutes grounds for termination of the contract.

**SECTION 22 - J04-DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

- 22.12** AMEND FURTHER (Sickle Cell Programs) Directs that \$957,633 is appropriated for Sickle Cell program services and directs that 67% of the funds be divided equitably between existing Community Based Sickle Cell Programs in Spartanburg, Columbia, Orangeburg, and Charleston; and 33% of the funds be used for the Community Based Sickle Cell Program at DHEC. Directs that the funds be used for prevention and educational programs, testing, counseling and newborn screening. Provides the manner in which mandated budget reductions

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

may be taken from this item. Prohibits these funds from being transferred for any other purpose.

**WMC:** AMEND proviso to change “\$957,633” to “\$761,233.” *Conforms to amount of funding currently provided.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT proviso as amended.

**22.12.** (DHEC: Sickle Cell Programs) ~~\$957,633~~ \$761,233 is appropriated for Sickle Cell program services and shall be apportioned as follows:

(1) 67% is to be divided equitably between the existing Community Based Sickle Cell Programs located in Spartanburg, Columbia, Orangeburg, and Charleston; and

(2) 33% is for the Community Based Sickle Cell Program at DHEC.

The funds shall be used for providing prevention programs, educational programs, testing, counseling and newborn screening. The balance of the total appropriation must be used for Sickle Cell Services operated by the Independent Living program of DHEC. The funds appropriated to the community based sickle cell centers shall be reduced to reflect any percent reduction assigned to the Department of Health and Environmental Control by the Budget and Control Board; provided, however, that the department may not act unilaterally to reduce the funds for the Sickle Cell program greater than such stipulated percentage. The department shall not be required to undertake any treatment, medical management or health care follow-up for any person with sickle cell disease identified through any neonatal testing program, beyond the level of services supported by funds now or subsequently appropriated for such services. No funds appropriated for ongoing or newly established sickle cell services may be diverted to other budget categories within the DHEC budget.

**SFC:** AMEND FURTHER to prohibit the department from reducing Sickle Cell program funds below the current funding level.

**SEN:** ADOPT proviso as amended.

**22.12.** (DHEC: Sickle Cell Programs) ~~\$957,633~~ \$761,233 is appropriated for Sickle Cell program services and shall be apportioned as follows:

(1) 67% is to be divided equitably between the existing Community Based Sickle Cell Programs located in Spartanburg, Columbia, Orangeburg, and Charleston; and

(2) 33% is for the Community Based Sickle Cell Program at DHEC.

The funds shall be used for providing prevention programs, educational programs, testing, counseling and newborn screening. The balance of the total appropriation must be used for Sickle Cell Services operated by the Independent Living program of DHEC. The funds appropriated to the community based sickle cell centers shall be reduced to reflect any percent reduction assigned to the Department of Health and Environmental Control by the Budget and Control Board; provided, however, that the department may not act unilaterally to reduce the funds for the Sickle Cell program greater than such stipulated percentage. The department shall not be required to undertake any treatment, medical management or health care follow-up for any person with sickle cell disease identified through any neonatal testing program, beyond the level of services supported by funds now or subsequently appropriated for such services. No funds appropriated for ongoing or newly established sickle cell services may be diverted to other budget categories within the DHEC budget. *For Fiscal Year 2011-12, the department shall not reduce these funds below the current funding level.*

**22.34** **AMEND FURTHER** (Beach Renourishment and Monitoring) Requires beach renourishment funds be spent in accordance with priorities established by the Office of Coastal and Resource Management (OCRM). Limits funds spent to support annual beach profile monitoring to

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

\$100,000 annually. Directs beach renourishment project funds that are certified by the department as excess to a project to be allocated to other beach renourishment projects on a priority basis according to R.30-18.

**WMC:** AMEND proviso to allow beach renourishment funds to be spent for coastal access improvement; delete the specification that these funds be spent in accordance with priorities established by OCRM and instead direct that the funds be spent in accordance with “all required state and federal permits and certifications.” Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**22.34.** (DHEC: Beach Renourishment and Monitoring *and Coastal Access Improvement*) Funds allocated for beach renourishment *may be spent for coastal access improvement and* shall be spent in accordance with ~~the priorities established by the department’s Office of Coastal and Resource Management~~ *all required state and federal permits and certifications*. If state funds are made available from any general revenue, capital, surplus or bond funding appropriated to the department for beach renourishment and maintenance, the department shall be able to expend not more than \$100,000 of these funds annually to support annual beach profile monitoring coast wide to enable the department to determine erosion rates and to identify priority areas needing renourishment and maintenance to mitigate erosion and storm damage potential. Appropriations for beach renourishment projects that are certified by the department as excess to the final State share of project costs and the annual coast wide monitoring costs ~~shall~~ *may* be allocated by the department to other beach renourishment projects on a priority basis in accordance with R.30-18 *or spent for coastal access improvement*.

**SFC:** AMEND FURTHER to suspend beach renourishment activities for the current fiscal year and delete the authorization for certified excess beach renourishment project funds to be allocated to other beach renourishment projects or for coastal access improvement.

**SEN:** ADOPT proviso as amended.

**22.34.** (DHEC: Beach Renourishment and Monitoring *and Coastal Access Improvement*) *Beach renourishment activities are suspended for the current fiscal year.* Funds allocated for beach renourishment *may be spent for coastal access improvement and* shall be spent in accordance with ~~the priorities established by the department’s Office of Coastal and Resource Management~~ *all required state and federal permits and certifications*. If state funds are made available from any general revenue, capital, surplus or bond funding appropriated to the department for beach renourishment and maintenance, the department shall be able to expend not more than \$100,000 of these funds annually to support annual beach profile monitoring coast wide to enable the department to determine erosion rates and to identify priority areas needing renourishment and maintenance to mitigate erosion and storm damage potential. ~~Appropriations for beach renourishment projects that are certified by the department as excess to the final State share of project costs and the annual coast wide monitoring costs shall be allocated by the department to other beach renourishment projects on a priority basis in accordance with R.30-18.~~

**22.43** **DELETE NEW PROVISO** (Immunizations and Inspections) **WMC:** ADD new proviso to allow the department to use \$4,000,000 of smoking cessation funds for Immunizations and Water and Environmental Inspections./ Fiscal Impact: No impact on the General Fund.

**HOU:** AMEND new proviso to also allow the department to use the \$4,000,000 for Preventative Diseases. Sponsor: Rep. J.E. Smith.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

22.43. (DHEC: Immunizations and Inspections) Of the funds authorized to the department for smoking cessation, \$4,000,000 may be used for Immunizations, Preventative Diseases, and Water and Environmental Inspections.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of proviso.

22.43. (DHEC: Immunizations and Inspections) DELETED

**22.44** **ADD** (South Carolina Institute of Medicine) **SFC:** ADD new proviso to direct the department to use not more than \$50,000 of Family Health funds for the development of the South Carolina Institute of Medicine. Require the Institute to secure matching private or non-state funds in order to receive the funding from the department. State that the purpose of the Institute is to provide research and analysis of statewide issues that adversely impact health and the efficient and effective delivery of health care and that the Institute will partner with and not duplicate the work of existing entities.

**SEN:** ADOPT new proviso.

22.44. (DHEC: South Carolina Institute of Medicine) Of the funds appropriated to the department in program I.E. Family Health, the department shall not expend more than \$50,000 in the development of the South Carolina Institute of Medicine. The receipt of department funds is contingent upon the Institute securing at least an equal amount of matching funds from private or other non-state sources. The Institute shall be organized for the purpose of providing research and analysis of statewide issues that adversely impact health and the efficient and effective delivery of health care for the citizens of South Carolina. The Institute shall employ a collaborative review and study process and will partner with and not duplicate the work of existing entities. The Institute's Governing Board shall consist of leaders from health, government, education, and private sectors and, at a minimum, shall also include the Chairman or designee of the following Committees: House Ways and Means, House Medical, Military, Public and Municipal Affairs, Senate Finance, Senate Medical Affairs and two at-large members appointed by the Governor.

**22.45** **ADD** (Donated Dental Services) **SFC:** ADD new proviso to direct the department to provide \$30,000 of Family Health Program funds to the Donated Dental Services Program. *Provides funds for administrative support for the program which provides dental services to the disabled, elderly, or medically-compromised individuals who are not eligible for Medicare or Medicaid.*

**SEN:** ADOPT new proviso.

22.45. (DHEC: Donated Dental Services) Of the funds appropriated to the department in I.E. Family Health, the department shall provide \$30,000 for the Donated Dental Services Program operated in conjunction with the National Foundation of Dentistry for the Handicapped.

**22.46** **ADD** (Fetal Pain Awareness) **SEN:** ADD new proviso to require the department to use at least \$100 to prepare printed materials on information that unborn children are able to feel pain at 20 weeks gestation and beyond and that a woman who seeks an abortion has to right to ask for and receive anesthesia to alleviate or eliminate pain to the fetus during the procedure. Require that the materials be easy to comprehend; be in a bold and legible typeface; be provided to each abortion provider in the state; and be placed in a conspicuous place in each exam room. Sponsors: Sens. Bryant, Bright, S. Martin, and Grooms.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

22.46. (DHEC: Fetal Pain Awareness) (A) The department must utilize at least one hundred dollars to prepare printed materials concerning information that unborn children at twenty weeks gestation and beyond are fully capable of feeling pain and the right of a woman seeking an abortion to ask for and receive anesthesia to alleviate or eliminate pain to the fetus during an abortion procedure. The materials must be provided to each abortion provider in the State and must be placed in a conspicuous place in each examination room at the doctor's office. The materials must contain only the following information:

“Fetal Pain Awareness

An unborn child who is twenty weeks old or more is fully capable of experiencing pain. Anesthesia provided to a woman for an abortion typically offers little pain prevention for the unborn child. If you choose to end your pregnancy, you have a right to have anesthesia or analgesic administered to alleviate the pain to your unborn child during the abortion.”

(B) The materials must be easily comprehensible and must be printed in a typeface large and bold enough to be clearly legible.

**22.47 ADD (Drug Control Prescription Monitoring Program) HOU2:** ADD new proviso to direct that the S.C. Prescription Monitoring Act provision that requires that Prescription Monitoring Program (PMP) data may be released to a practitioner who certifies that the information is needed to provide medical treatment to a bona fide patient is waived to the extent that the practitioner may delegate limited authority to access the PMP data to someone under their supervision and control under specific circumstances and criteria. Sponsor: Rep. Cooper. Note: Proviso 22.44 in HOU2 version.

22.47. (DHEC: Drug Control-Prescription Monitoring Program) The provision of the South Carolina Prescription Monitoring Act (PMA) requiring that data from the Prescription Monitoring Program (PMP) may be released to a practitioner who certifies that the requested information is for the purpose of providing medical treatment to a bona fide patient is hereby waived to the extent that the practitioner may delegate limited authority to access the PMP data to a person under the supervision and control of the practitioner in the following circumstances and under the following conditions:

(A) Practitioner must supervise the person(s) to whom access authority is delegated;

(B) Practitioner, as holder of the master account for PMP access, must monitor the delegated accounts on an ongoing basis;

(C) Practitioner is responsible for any and all breaches of the PMA and agrees to take responsibility for any violation of the Act committed by any practitioner-authorized user;

(D) Persons to whom delegated authority is given are subject to all requirements of the PMA including criminal liability for prohibited acts;

(E) The number of delegated accounts must be limited to the minimum necessary to provide appropriate medical treatment for a bona fide patient of the practitioner or their practice;

(F) Practitioner must assure password security, and require password change at least every 30 days;

(G) Practitioner's practice location must be primarily hospital or emergency department based.

All delegate accounts must be held by a licensed or certified practitioner.

**22.48 ADD MOVED PROVISO (SCHIDS) HOU2:** ADD new proviso to direct the department to use funds appropriated for Chronic Disease Prevention to establish a S.C. Health Integrated Data Services (SCHIDS) program to distribute data about the prevalence, treatment, and cost of

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

disease from the S.C. Health and Human Services Data Warehouse and particularly the Medicaid System. Direct that the purpose of the program is to educate communities around the state about improving health and wellness through lifestyle changes. Direct the B&C board Office of Research and Statistics to provide the SCHIDS program with the data it needs to fulfill its mission and direct state agencies and public universities that educate South Carolinians about improving health and wellness through public programs to communicate with the SCHIDS to improve collaboration and coordination and to possibly use SCHIDS to assist in evaluating program outcomes. Direct Medicaid staff to coordinate with SCHIDS program staff to target Prevention Partnership Grant awards to communities that show a prevalence of chronic disease and/or a lack of access to care. Sponsor: Rep. Cooper. *Note: Proviso 22.45 in HOU2 version. Moved from BCB proviso 80A.28,*

22.48. (DHEC: SCHIDS) From funds appropriated for Chronic Disease Prevention, the department shall establish a South Carolina Health Integrated Data Services (SCHIDS) program to disseminate data about prevalence, treatment and cost of disease from the South Carolina Health and Human Services Data Warehouse and in particular the Medicaid System. The purpose of the program is to educate communities statewide about improving health and wellness through lifestyle changes.

The Budget and Control Board, Office of Research and Statistics shall provide data needed by the SCHIDS program to fulfill its mission, and all state agencies and public universities involved in educating South Carolinians through public programs for the purpose of improving health and wellness shall communicate with the program in order to improve collaboration and coordination and the possible use of SCHIDS to assist in the evaluation of program outcomes.

Medicaid staff shall coordinate with the SCHIDS program staff to target Prevention Partnership Grant awards to those communities demonstrating a prevalence of chronic disease and/or lack of access to care.

**SECTION 23 - J12-DEPARTMENT OF MENTAL HEALTH**

**23.2 DELETE** (Paying Patient Account) Directs the department to transfer \$3.4 million to the General Fund from the surplus funds in the paying patient account.  
**SFC:** DELETE proviso. Fiscal Impact: Reduction of \$3,400,000 to the General Fund.  
**SEN:** ADOPT deletion of proviso.

~~23.2. (DMH: Paying Patient Account) In addition to other payments provided in Part I of this act, the Department of Mental Health is hereby directed during the current fiscal year to remit to the General Fund of the State the amount of \$3,400,000 to be paid from the surplus funds in the paying patient account which has been previously designated for capital improvements and debt service. It is the intent of the General Assembly to assist the department to reduce and eventually eliminate this obligation to the general fund.~~

**23.13 DELETE** (Veterans' Nursing Home Death Investigations) Directs that SLED is not required to conduct an investigation into the death of an individual in a veterans' nursing home under the authority of the Department of Mental Health if the coroner rules that death is from natural causes.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

~~23.13. (DMH: Veterans' Nursing Home Death Investigations) In the event that a coroner rules that the death of an individual in a veterans' nursing home under the authority of the Department of Mental Health results from natural causes, then the State Law Enforcement Division is not required to conduct an investigation regarding the individual's death.~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

- 23.16 AMEND NEW PROVISO** (Medicaid Beneficiary Choice) **WMC:** ADD new proviso to require the department to allow a Medicaid beneficiary to receive medically necessary community based rehabilitative behavioral health services from any qualified Medicaid provider enrolled by the Department of Health and Human Services as of July 1, 2011, if the department provides state identified matching funds for such services. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

*23.16. (DMH: Medicaid Beneficiary Choice) For any Medicaid covered community based rehabilitative behavioral health service for which the Department of Mental Health provides state identified matching funds, the department must allow a Medicaid beneficiary to receive medically necessary community based rehabilitative behavioral health services from any qualified Medicaid provider enrolled by the Department of Health and Human Services as of July 1, 2011.*

**SFC:** AMEND new proviso to specify “paraprofessional” rehabilitative behavioral health services.

**SEN:** ADOPT new proviso as amended.

*23.16. (DMH: Medicaid Beneficiary Choice) For Medicaid covered community based paraprofessional rehabilitative behavioral health services for which the Department of Mental Health provides state identified matching funds, the department must allow a Medicaid beneficiary to receive medically necessary community based paraprofessional rehabilitative behavioral health services from any qualified Medicaid provider enrolled by the Department of Health and Human Services as of July 1, 2011.*

- 23.17 DELETE NEW PROVISO** (Non-Generic Prescription) **HOU:** ADD new proviso to direct that if a Department of Mental Health client is receiving a non-generic prescription through the department, and the medication maintains the client’s condition in a stable manner, the department must continue to offer to prescribe the non-generic medicine until the client no longer requires the medication. Sponsor: Rep. Ott.

*23.17. (DMH: Non-Generic Prescriptions) If a client is receiving a non-generic prescription medication through the Department of Mental Health, and such non-generic medication maintains the client’s condition in a stable manner, the agency must continue to offer to prescribe the non-generic medication until such time as the medication is no longer required by the client.*

**SFC:** DELETE new proviso. See new proviso 21.49.

**SEN:** ADOPT deletion of new proviso.

*23.17. (DMH: Non-Generic Prescriptions) DELETED*

**SECTION 24 - J16-DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS**

- 24.15 ADD** (FMAP Extension Carry Forward) **SFC:** ADD new proviso to authorize the department to carry forward FMAP funds received from the January - June 2011 federal extension. Authorize the department to use the funds to maintain current service levels, to support Traumatic Brain or Spinal Cord Injury Post-Acute Rehabilitation, and to implement system enhancements of the home and community based services assessment process and the monitoring and documentation process.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SEN:** ADOPT new proviso.

24.15. (DDSN: FMAP Extension Carry Forward) The department is authorized to carry forward the funds received as a result of the January through June 2011 federal extension of the increased FMAP. The department is authorized to use the funds to maintain current service levels, to support Traumatic Brain or Spinal Cord Injury Post-Acute Rehabilitation, system enhancements of the assessment process and the monitoring and documentation process for home and community based services in order to increase efficiency and reduce fraud and abuse.

**SECTION 26 - L04-DEPARTMENT OF SOCIAL SERVICES**

**26.7 AMEND** (Fee Schedule) Authorizes DSS to charge fees and accept donations, grants, and bequests for social services provided under their direct responsibility on the basis of a fee schedule approved by the B&C Board. Directs the department to use the fees to further develop and administer the program efforts. Establishes fee schedule for current fiscal year.

**SEN:** AMEND proviso to delete requirement that the B&C Board approve the fee schedule. Sponsor: Sen. Massey.

**26.7.** (DSS: Fee Schedule) The Department of Social Services shall be allowed to charge fees and accept donations, grants, and bequests for social services provided under their direct responsibility on the basis of a fee schedule ~~approved by the Budget and Control Board~~. The fees collected shall be utilized by the Department of Social Services to further develop and administer these program efforts. The below fee schedule is established for the current fiscal year.

Day Care	
Family Child Care Homes (up to six children).....	\$ 15
Group Child Care Homes (7-12 children) .....	\$ 30
Registered Church Child Care (13+) .....	\$ 50
Licensed Child Care Centers (13-49) .....	\$ 50
Licensed Child Care Centers (50-99) .....	\$ 75
Licensed Child Care Centers (100-199) .....	\$ 100
Licensed Child Care Centers (200+) .....	\$ 125
Central Registry Checks	
Non-profit Entities.....	\$ 8
For-profit Agencies.....	\$ 25
State Agencies .....	\$ 8
Schools .....	\$ 8
Day Care.....	\$ 8
Other – Volunteer Organizations.....	\$ 8
Other Children’s Services	
Services Related to Adoption of Children from	
Other Countries.....	\$ 225
Court-ordered Home Studies in Non-DSS Custody Cases.....	\$ 850
Licensing Residential Group Homes Fee for an	
Initial License .....	\$ 250
For Renewal.....	\$ 75
Licensing Child Caring Institutions Fee for an	
Initial License .....	\$ 500
For Renewal.....	\$ 100

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Licensing Child Placing Agencies Fee for an Initial License .....	\$ 500
For Renewal.....	\$ 60
For Each Private Foster Home Under the Supervision of a Child Placing Agency.....	\$ 15
Responsible Father Registry Registry Search.....	\$ 50

**26.18 DELETE** (Children’s Home Standard Licenses) Directs that standard licenses for children’s residential group homes, child caring institutions and child placing agencies are effective for 2 years from the date the license was issued or renewed unless it has been revoked or terminated. Direct that the fire inspections required for licensing or renewing children’s residential group homes and child caring institutions be conducted annually.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

~~26.18. (DSS: Children’s Home Standard Licenses) Standard licenses for children’s residential group homes, child caring institutions and child placing agencies shall be effective for two years from the date of issuance or renewal unless revoked or otherwise terminated before the expiration date. Fire inspections required for licensing or renewal of children’s residential group homes and child caring institutions must be conducted annually.~~

**26.22 AMEND** (Teen Pregnancy Prevention) Directs DSS to use the funds appropriated for the Continuation of Teen Pregnancy Prevention to award two contracts to separate private entities to provide teen pregnancy prevention programs and services; directs that the funds be divided equally between the contracts; and provides directives for the awarding of the contracts.  
**SFC:** AMEND proviso to require the contracts be awarded on a competitive basis in accordance with the Procurement Code. Specify that the funds be paid over a twelve month period for services rendered. Allow unexpended funds to be carried forward to fulfill the contractual agreement. Delete the requirement that a 5 member committee oversee the contract award process.  
**SEN:** AMEND proviso to specify that two contracts must be awarded to separate private “non-profit 501(c)(3)” entities. Direct that a program is “effectively implemented” if it has published positive behavioral outcomes by an independent nationally recognized private or government agency that demonstrates a year after the program, that participants initiated sex at least 30% less than comparable non-program students. Establish requirements for awarding the contract to entities who use specific programs or evaluation processes. Prohibit the S.C. Comprehensive Health Education Act from being violated by the entities who are awarded the contract and require that if the act is violated the entity must reimburse the state all funds disbursed. Sponsor: Sen. Grooms.

**26.22.** (DSS: Teen Pregnancy Prevention) (A) From the monies appropriated for the Continuation of Teen Pregnancy Prevention, the department must award two contracts to separate private, non-profit 501(c)(3) entities to provide teen pregnancy prevention programs and services within the State.

(B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

(C) The monies appropriated must be divided equally between the contracts and paid over a twelve month basis for services rendered. Unexpended funds shall be carried forward for the purpose of fulfilling the department’s contractual agreement.

(D) Entities that have a proven and public history of having effectively implemented abstinence programs in this State may be given a preference during the contract evaluation and

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

awarding process. For the purposes of this proviso, a program is "effectively implemented" if the program has published positive behavioral outcomes by an independent and nationally recognized private or government agency demonstrating that a year after the program, program participants initiated sex at a rate of at least thirty percent lower than comparable non-program students.

(E)(1) One contract must be awarded to an entity that utilizes an abstinence first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy throughout South Carolina.

(2)(a) One contract must be awarded to an entity that uses a National Abstinence Clearinghouse (NAC) approved curricula for a minimum of one year prior to their application. NAC is the agency the federal Department of Health and Human Services has chosen to provide a comprehensive, national list of approved abstinence-only education curricula that is consistent with the A through H legislative requirements defined in Title V, Section 510(b)(2). Any entity that is awarded one of the above contracts must agree to provide data to verify the program effectiveness.

(b) The contract awarded pursuant to this item must be awarded to entities that utilize a program or evaluation process approved by, and under the supervision of, a federally approved Institutional Review Board (IRB) and have been evaluated and approved for medical accuracy by the United States Health and Human Services' Office of Adolescent Health or the Office of Adolescent Pregnancy Prevention. Contracts may also be awarded to entities that do not meet these requirements on the date of the award but the entity must meet the requirements by the end of the fiscal year or the entity must forfeit the final quarterly payment.

(c) Prior to receiving funding the entities awarded the contracts pursuant to this item must verify that the program they implement meets the Cooperative Agreement with the Centers for Disease Control Division of Adolescent School Health (CDC DASH) approved SMARTool (Systematic Method for Assessing Risk-avoidance Tool) minimum standard for abstinence curriculum evaluation or the Cooperate Agreement with the Centers for Disease Control Division of Reproductive Health Tool to Assess the Characteristics of Effective Sex and STD/HIV Education Programs.

(F) The programs implemented by the entities awarded contracts pursuant to this proviso may not violate any portion of the South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed. A five-member committee shall oversee the contract award process. The committee's first meeting shall be on or before August 1, 2009. The five member committee shall be composed as follows: the President Pro Tempore of the Senate shall appoint two members of the committee, the Speaker of the House shall appoint two members of the committee and the Governor shall appoint one member of the committee. Members of the committee shall serve without compensation.

- 26.27 DELETE NEW PROVISO (Day Care Vouchers) WMC:** ADD new proviso to prohibit the department from using the ABC Child Care vouchers on Day Care providers that are not either licensed or registered and require all Child Care providers that receive these vouchers to be either licensed or registered by DSS following State approved Child Care Licensing regulations.  
**HOU:** ADOPT new proviso.

26.27. (DSS: Day Care Vouchers) The department is prohibited from using the ABC Child Care vouchers on Day Care providers that are not either licensed or registered. All Child Care providers receiving these vouchers must be either licensed or registered by DSS Child Care Licensing following State approved regulations.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**26.27. (DSS: Day Care Vouchers) DELETED**

- 26.28 DELETE NEW PROVISO** (Licensed Day Care Facilities Relicensing) **HOU:** ADD new proviso to extend a DSS operating license or approval for a child care center, church or religious center, group child care home or licensed family child care home for an additional year. Direct that no license, approval, or registration be issued for longer than three years. Require registered family homes continue to complete a yearly registration process. Direct that facilities are not eligible for the extension if there any DSS revocation proceedings in process. Sponsor: Rep. White.

**26.28. (DSS: Licensed Day Care Facilities Relicensing) Notwithstanding 63-13-20 (22), (23), and (26), and 63-13-1010, for Fiscal Year 2011-12, any child care center, church or religious center, group child care home, or licensed family child care home shall have their DSS operating license or approval extended an additional year. At no time shall a license, approval, or registration be issued for a period greater than three years. All registered family homes will continue to complete a yearly registration process. Facilities are not eligible for the extension provided for herein if DSS is investigating the facility for possible revocation, is in the process of revocation, the revocation is under appeal, or the license, approval or registration is subsequently reinstated by DSS.**

**SFC:** AMEND new proviso to require the department to report quarterly to the Senate Finance and House Ways and Means Committees on the number of unannounced site inspections conducted during the current fiscal year as well as the number of facilities not eligible for the extension during that quarter.

**SEN:** DELETE new proviso. *Ruled Out of Order.*

**26.28. (DSS: Licensed Day Care Facilities Relicensing) DELETED**

- 26.29 AMEND NEW PROVISO** (Restoration of TANF Stipends) **SFC:** ADD new proviso to direct the department to apply any surplus funds resulting from federal revenue maximization efforts to restoring TANF stipends.

**SEN:** AMEND new proviso to direct that excess funds be applied to programs or for purposes in the best interests of the people the department serves, in the director's discretion. Sponsor: Sen. Massey.

**26.29. (DSS: Restoration of TANF Stipends) If federal revenue maximization efforts produce sufficient federal or state funds in excess of the amount needed for department programs and operations, the department shall apply the excess funds to programs, or for purposes in the best interests of the people served by the department, in the discretion of the director.**

**SECTION 28 - H79-DEPARTMENT OF ARCHIVES & HISTORY**

- 28.3 ADD** (Disposal of Materials) **WMC:** ADD new proviso to authorize the department, upon prior commission approval, to sell certain record and non-record materials from its collections in the most advantageous manner and direct that the department shall not be required to sell such items at public auction. Fiscal Impact: No impact on the General Fund. The department

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

states that not selling at public auction would save the amount paid as commissions to auction houses or sites.

**HOU:** ADOPT new proviso.

28.3. (AH: Disposal of Materials) For the current fiscal year, the Department of Archives and History, upon prior approval of the commission, may sell certain record and non-record materials from its collections in a manner most advantageous to the department and shall not be required to sell such items at public auction.

**SFC:** ADOPT new proviso.

**SEN:** DELETE new proviso. *Ruled Out of Order.*

28.3. (AH: Disposal of Materials) DELETED

**SECTION 29 - H87-STATE LIBRARY**

- 29.1 AMEND** (Aid to Counties Libraries Allotment) Directs that the funds appropriated for Aid to County Libraries shall be allotted to each county on a per capita basis based on the official 2000 Census. Directs that no county shall be allocated less than \$60,000 under this provision. Directs that in order for to receive this aid, local library support must not be less than the amount spent for library operations from local sources in the 2<sup>nd</sup> preceding year.  
**SEN:** AMEND proviso to change “2000” Census to “2010” Census.” Sponsors: Sens. McConnell and Hayes.

**29.1.** (LIB: Aid to Counties Libraries Allotment) The amount appropriated in this section for “Aid to County Libraries” shall be allotted to each county on a per capita basis according to the official United States Census for ~~2000~~ 2010, as aid to the County Library. No county shall be allocated less than \$60,000 under this provision. To receive this aid, local library support shall not be less than the amount actually expended for library operations from local sources in the second preceding year.

**SECTION 30 - H91-ARTS COMMISSION**

- 30.4 ADD** (Grants) **SEN:** ADD new proviso to require the Arts Commission to spend 70% of their appropriated state funds on grants to support the statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural programs with proven research based strategies. Sponsors: Sens. S. Martin and Hayes.

30.4. (ARTS: Grants) The Arts Commission must expend seventy percent of appropriated state funds on grants to support the statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural programs with proven research based strategies.

- 30.5 ADD** (Distribution to Subdivisions) **HOU2:** ADD new proviso to direct the Arts Commission to use appropriated and or authorized funds to distribute Distribution to Subdivision funds for specific purposes in the same manner they were distributed in the prior fiscal year. Sponsor: Rep. J.E. Smith, Harrison, and Stavrinakis. *Note: Proviso 30.4 in HOU2 version.*

30.5. (ARTS: Distribution to Subdivisions) Of the funds appropriated and/or authorized to the Arts Commission for Distribution to Subdivisions, the following amounts shall be distributed in the same manner as the funds were distributed in the prior fiscal year: \$11,420

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

for Alloc Mun-Restricted; \$3,381 for Alloc Cnty-Restricted; \$78,376 for Alloc School Dist; \$12,336 for Alloc Other State Agencies; \$429,845 for Alloc-Private Sector; \$29,494 for Alloc - Private Sector; \$31,581 for Aid Mun-Restricted; \$15,485 for Aid Cnty-Restricted; \$358,344 for Aid School Districts; \$205,138 for Aid Other State Agencies; \$794,598 for Aid To Private Sector; and \$3,168 for Aid To Private Sector-Reportable.

**SECTION 34 - P16-DEPARTMENT OF AGRICULTURE**

**34.3 DELETE** (Commodity Boards Expenditures) Exempts expenditures made for the various Commodity Boards budgeted under Marketing Services: Commodity Boards from Procurement Act regulations.

**SEN:** DELETE proviso. *Ruled Out of Order.*

~~34.3. (AGRI: Commodity Boards Expenditures) Expenditures made for the various Commodity Boards (as budgeted under other funds in Program IV.B. Marketing Services: Commodity Boards) are exempt from regulations under the Procurement Act of 1981.~~

**SECTION 35 - P20-CLEMSON UNIVERSITY - PSA**

**35.9 DELETE** (Noncommercial Pesticide Applicator Fee) Authorizes Clemson PSA to charge noncommercial pesticide applicators a \$50 annual licensing fee and to retain, expend, and carry forward these funds to maintains its programs.

**SEN:** DELETE proviso. *Ruled Out of Order.*

~~35.9. (CU-PSA: Noncommercial Pesticide Applicator Fee) The Public Service Activities of Clemson University are hereby authorized to charge noncommercial pesticide applicators an annual licensing fee of \$50.00. Clemson University PSA may retain, expend, and carry forward these funds to maintain its programs.~~

**SECTION 37 - P24 - DEPARTMENT OF NATURAL RESOURCES**

**37.10 DELETE** (Water Recreation Fund and County Game and Fish Fund) Direct the department to retain funds collected for the Water Recreation Fund and the portion of the county game and fish fund derived from licenses and fees and to use those funds for the stated purposes of the funds. Prohibit the department from using these funds to offset base budget reductions. Authorize the department, with the county delegation's recommendation, to use a county's Water Recreational Resource Funds to purchase boats, boat trailers, motors, and boating safety equipment used for law enforcement and rescue.

**WMC:** AMEND proviso to delete directive that Water Recreation Fund and the portion of county game and fish fund revenue be used for stated fund purposes and the prohibition of using the funds to offset budget reductions. *Codified a portion of the proviso in 50-9-970(D) [COUNTY GAME AND FISH FUND CREATED]; and 12-28-2730(H) [WATER RECREATIONAL RESOURCES FUND]. Prohibition from offsetting base budget reductions conflicts with the flexibility proviso 89.80 which provided \$892,653 in expenditure flexibility in FY 09-10. Per OSB, expenditures of water recreation funds were \$277,761 in FY 10-11 and total revenue for these funds was \$3.8m in FY 09-10. Fiscal Impact: No impact on the General Fund. Requested by Department of Natural Resources.*

**HOU:** ADOPT proviso as amended.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~37.10. (DNR: Water Recreation Fund and County Game and Fish Fund) Funds collected during the current fiscal year by the Department of Natural Resources for the Water Recreation Fund and for that portion of the county game and fish fund derived from licenses and fees must be retained by the department and used for the stated purposes of the respective funds, and may not be used by the department to offset base budget reductions for the current fiscal year. In addition to all other uses allowed by statute, the department may use the Water Recreational Resource Funds of a county for the purchase of boats, boat trailers, motors, and boating safety equipment used for law enforcement and rescue, with the recommendation of the county delegation.~~

**SFC:** DELETE proviso.

**SEN:** ADOPT deletion of proviso.

~~37.10. (DNR: Water Recreation Fund and County Game and Fish Fund) Funds collected during the current fiscal year by the Department of Natural Resources for the Water Recreation Fund and for that portion of the county game and fish fund derived from licenses and fees must be retained by the department and used for the stated purposes of the respective funds, and may not be used by the department to offset base budget reductions for the current fiscal year. In addition to all other uses allowed by statute, the department may use the Water Recreational Resource Funds of a county for the purchase of boats, boat trailers, motors, and boating safety equipment used for law enforcement and rescue, with the recommendation of the county delegation.~~

**37.12 DELETE NEW PROVISO** (Reedy River) **WMC:** ADD new proviso to direct DNR, by September 1, 2011, to transfer \$1,000,000 of the funds held in the State Mitigation Trust Fund to the County of Laurens for the Reedy River Restoration as agreed upon in the Colonial Pipeline Settlement. Fiscal Impact: No impact on the General Fund. Per the department, there is \$2.6m remaining in the settlement fund.

**HOU:** ADOPT new proviso.

*37.12. (DNR: Reedy River) The Department of Natural Resources, by September 1, 2011, shall transfer \$1,000,000 of the funds currently being held in the State Mitigation Trust Fund to the County of Laurens for the Reedy River Restoration as agreed upon in the Colonial Pipeline Settlement.*

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

*37.12. (DNR: Reedy River) DELETED*

**SECTION 39 - P28 - DEPARTMENT OF PARKS, RECREATION AND TOURISM**

**39.5 DELETE** (Product Development Funds) *Establishes the guidelines for administering funds allocated for the Product Development Program.* Authorizes PRT to use uncommitted Product Development funds for agency operating expenses.

**SFC:** DELETE proviso. *All funds from the non-recurring appropriation have been expended.*

Fiscal Impact: No impact on the General Fund. Requested by Department of Parks, Recreation, and Tourism.

**SEN:** ADOPT deletion of proviso.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~39.5. (PRT: Product Development Funds) All Product Development funds, whether carried forward or new appropriations, must be matched with a 2 to 1 private funds ratio. An organization receiving a state grant must certify that, as of the date of the application: (i) the private funds are new dollars as of the current fiscal year specifically designated for the purpose of matching state funds; (ii) the private funds have not been previously allocated or designated for product development; (iii) the organization has on hand or has an approved line of credit of not less than the amount of private funds needed to provide the required match. Grant recipients shall provide a quarterly report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the director of the Department of Parks, Recreation and Tourism on the expenditure of the grants funds and on the proposed outcome measures. The department is authorized to utilize uncommitted Product Development funds for general agency operational purposes.~~

- 39.13 DELETE** (Additional Motion Picture Bonus-Rebate) Authorizes the Film Commission, in addition to the 15% rebate authorized by Section 12-62-50 [TAX REBATE FOR EMPLOYMENT OF PERSONS SUBJECT TO SOUTH CAROLINA INCOME TAX WITHHOLDINGS], to provide an additional bonus-rebate to a motion picture production company of up to 5% of the total aggregate South Carolina payroll for persons employed in connection with the production who are subject to SC income tax withholdings; and in addition to the 15% rebate authorized by Section 12-62-60 [DISTRIBUTION OF ADMISSIONS TAXES; REBATES TO MOTION PICTURE PRODUCTION COMPANIES; PROMOTION OF COLLABORATIVE EFFORTS BETWEEN INSTITUTIONS OF HIGHER LEARNING AND MOTION PICTURE RELATED ENTITIES], authorizes the Film Commission to provide an additional bonus-rebate to a motion picture production company of up to 15% of the expenditures made by the motion picture production company in the State.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

~~39.13. (PRT: Additional Motion Picture Bonus-Rebate) In addition to the fifteen percent rebate authorized pursuant to Section 12-62-50, the South Carolina Film Commission may provide an additional Bonus rebate to a motion picture production company of up to five percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. In addition to the fifteen percent rebate authorized pursuant to Section 12-62-60, the South Carolina Film Commission may provide an additional bonus rebate to a motion picture production company of up to fifteen percent of the expenditures made by the motion picture production company in the State.~~

- 39.14 ADD (PARD) HOU2:** ADD new proviso to authorize PRT to spend restricted funds for the Parks, Recreation, and Tourism Fund (PARD) in accordance with Section 51-23-20 [ALLOCATION OF PROCEEDS OF PARKS AND RECREATION FUND], Regulations, and generally accepted accounting standards. Sponsor: Rep. Cooper.

39.14. (PRT: PARD) The Department of Parks, Recreation, and Tourism shall be authorized to expend restricted funds for the Parks and Recreation Development Fund (PARD) in accordance with the Section 51-23-20 of the 1976 Code, Regulations, and generally accepted accounting standards.

**SECTION 40 - P32 - DEPARTMENT OF COMMERCE**

- 40.10 AMEND FURTHER** (Closing Fund) Direct \$7,000,000 is appropriated for the Closing fund for competitive recruitment purposes to be used as approved by the Coordinating Council for Economic Development and authorizes unexpended funds to be carried forward and used for the same purpose.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**WMC:** AMEND proviso to delete specific reference to \$7,000,000. *The amount the General Assembly funds could change from year to year.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.

**HOU:** ADOPT proviso as amended.

**40.10.** (CMRC: Closing Fund) In order to encourage and facilitate economic development, ~~the \$7,000,000 funds~~ appropriated for the Closing Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic Development. Any unexpended ~~balance on June thirtieth,~~ at the end of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes.

**SFC:** AMEND FURTHER to specify "\$5,000,000."

**SEN:** ADOPT proviso as amended.

**40.10.** (CMRC: Closing Fund) In order to encourage and facilitate economic development, ~~the \$7,000,000~~ \$5,000,000 appropriated for the Closing Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic Development. Any unexpended ~~balance on June thirtieth,~~ at the end of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes.

**40.15 REINSERT** (Civil Air Patrol Transfer) Directs the department to transfer \$50,000 of the funds appropriated to or authorized for the department to the Adjutant General's Office for the Civil Air Patrol.

**WMC:** DELETE proviso. *Transfers resources to a program which does not contribute toward the department's mission.* Fiscal Impact: No impact on the General Fund. Deletion will provide that \$50,000 of council funds are available to use as incentives. Requested by Department of Commerce.

**HOU:** ADOPT deletion of proviso.

**40.15.** (CMRC: Civil Air Patrol Transfer) ~~Of the funds appropriated to or authorized for the Department of Commerce, the department shall transfer \$50,000 to the Adjutant's General Office for the Civil Air Patrol.~~

**SFC:** REINSERT proviso.

**SEN:** ADOPT original proviso.

**40.15.** (CMRC: Civil Air Patrol Transfer) Of the funds appropriated to or authorized for the Department of Commerce, the department shall transfer \$50,000 to the Adjutant's General Office for the Civil Air Patrol.

**40.17 ADD** (Savannah Valley Development Division) **SFC:** ADD new proviso to transfer all Savannah Valley Development Division assets and obligations to appropriate state and local authorities upon State B&C Board approval. *SVDD is running out of funds and has various assets and obligations for which it is responsible. A plan has been developed to transfer these assets and obligations to other state and local entities in such a way that the public entities benefit from the transfer, but do not acquire any unfunded liabilities.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.

**SEN:** ADOPT new proviso.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

40.17. (CMRC: Savannah Valley Development Division) The Department of Commerce is authorized to transfer any and all assets and obligations of its Savannah Valley Development Division, including, but not limited to, accounts, notes payable, contracts, licenses, leases, real property, rights of way, and easements, to appropriate state and local authorities upon the approval of the State Budget and Control Board.

- 40.18** **ADD** (Regional Economic Development Organizations) **SFC:** ADD new proviso to direct the department to use the \$5,000,000 appropriated for Regional Economic Development Organizations to provide funds to the designated organizations and counties and provides a mechanism by which the funds should be distributed. Require a 1:1 private fund match and require the receiving organization to certify that the private funds match are new dollars specifically designated for this purpose. Direct organizations receiving the funds to provide an annual expenditure report and outcome measures to the Chairmen of the Senate Finance and House Ways and Means Committees and the Secretary of Commerce by November 1<sup>st</sup>. Replaces proviso 40.12.  
**SEN:** ADOPT new proviso.

40.18. (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize the \$5,000,000 appropriated in Fiscal Year 2011-12 for Regional Economic Development Organizations to provide funds to the following seven economic development organizations:

- (1) Central SC Economic Development Alliance;
- (2) Charleston Regional Development Alliance;
- (3) Economic Development Partnership;
- (4) North Eastern Strategic Alliance (NESAs);
- (5) Southern Carolina Alliance;
- (6) Upstate Alliance; and
- (7) Lowcountry Economic Alliance.

Of the \$5,000,000 appropriated for this purpose, \$4,700,000 must be disbursed equally to each organization. Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development.

The remaining \$300,000 shall be provided to Chester County, Lancaster County, Union County, and York County provided they meet the requirements established above.

Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the funds to the requesting organization.

Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.

Unexpended or undistributed funds shall be carried forward from the prior fiscal year into the current fiscal year and shall be used for the same purpose.

**SECTION 43 - P40-S.C. CONSERVATION BANK**

- 43.2** **DELETE NEW PROVISIO** (Reimbursement to Taxing Jurisdiction) **HOU:** ADD new proviso to direct that before the Conservation Bank Trust Fund or DNR may acquire or accept real property on behalf of the state to be placed or held in a public program or put to a recreational or wildlife use by the general public, DNR or the Conservation Bank Trust Fund must insure that the transaction agreement provides a means for the seller, donor, department, or trust fund to reimburse the affected county and property taxing jurisdictions for the ad

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

valorem tax revenue lost as a result of removing the property from the property tax rolls.  
Sponsors: Reps. White and McLeod.

43.2. (CB: Reimbursements to Taxing Jurisdictions) In the current fiscal year, before the Conservation Bank Trust Fund or the Department of Natural Resources may acquire or accept real property on behalf of the State to be placed and held in a public program or to be put to a recreational or wildlife use by the general public, the department or Conservation Bank Trust Fund shall insure that a means is provided in the transaction agreements for the seller or donor, or department or trust fund, to reimburse the county and property taxing jurisdictions in the county in which the property is located for the ad valorem tax revenue lost in the current fiscal year as a result of removing the property from the property tax rolls.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

43.2. (CB: Reimbursements to Taxing Jurisdictions) DELETED

**SECTION 44 - B04-JUDICIAL DEPARTMENT**

**44.17 ADD** (Judges Salary Exemption) **SFC:** ADD new proviso to exempt judges' salaries and related employer contributions from mid-year across-the-board reductions.  
**SEN:** ADOPT new proviso.

44.17. (JUD: Judges Salary Exemption) For the current fiscal year, judges' salaries and related employer contributions in Part IA, Section 44, are exempt from mid-year across-the-board reductions.

**SECTION 45 - E20 - ATTORNEY GENERAL'S OFFICE**

**45.8 ADD** (Securities Fee Revenue) **SFC:** ADD new proviso to direct that after \$20,500,000 of Securities Fee revenues have been deposited to the General Fund the Attorney General may retain \$300,000 to use for operations associated with the increase in licensed securities agents. Authorize the Attorney General to carry forward the revenue to use for the same purpose. Require any remaining Securities Fee revenues be remitted to the General Fund.  
**SEN:** ADOPT new proviso.

45.8. (AG: Securities Fee Revenue) After the provisions of Section 35-1-702(b) of the 1976 Code have been satisfied, and upon notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee that such provisions have been satisfied, the next \$20,500,000 of Securities Fee revenues collected during the current fiscal year by the Office of the Attorney General shall be remitted to the General Fund of the State. The Office of the Attorney General may retain the next \$300,000 collected and may utilize these funds for operations to include expert witness expenses, investigative costs, trial preparation, and other related expenses associated with the increase in licensed securities agents. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose. Remaining Securities Fee revenues collected during the current fiscal year shall be remitted to the General Fund of the State.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SECTION 46 - E21 - PROSECUTION COORDINATION COMMISSION**

**46.7 REINSERT/AMEND** (Violent Crime, CDV, DUI Prosecution) Requires the commission to retain violent crime, CDV and DUI prosecution information and data and provide information to the General Assembly in an annual report within 60 days after the end of the fiscal year on charges prosecuted by assistant solicitors. Requires that the report include, unless privileged by law, information and statistics regarding location, number and type of violent crime, CDV, and DUI charges, number of cases prosecuted, and disposition of the cases.

**WMC:** DELETE proviso. *Dedicated funding has not been appropriated for prosecuting these crimes and expenditure of resources on data collection and retention on non-dedicated funded prosecutions should not be required.* Fiscal Impact: No impact on the General Fund. Requested by Prosecution Coordination Commission.

**HOU:** ADOPT deletion of proviso.

~~46.7. (PCC: Violent Crime, CDV, DUI Prosecution) The Prosecution Coordination Commission shall retain information and data on violent crime, criminal domestic violence, and driving under the influence prosecutions and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year of those charges prosecuted by assistant solicitors. If not privileged information by law, the report shall at a minimum include information and statistics regarding the location, the number and type of violent crime, criminal domestic violence, driving under the influence charges, the number of cases prosecuted, and the disposition of the cases.~~

**SFC:** REINSERT proviso and AMEND to require the commission to report to the General Assembly within 60 days after the close of the fiscal year on criminal domestic violence and driving under the influence charges that were prosecuted by assistant solicitors funded from federal grants.

**SEN:** ADOPT proviso as amended.

~~46.7. (PCC: Violent Crime, CDV, DUI Prosecution) The Prosecution Coordination Commission shall retain information and data on any federally funded grants whose purpose is for the prosecution of violent crime, criminal domestic violence, and/or driving under the influence prosecutions charges and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year of detailing those charges prosecuted handled by assistant solicitors who are funded by the grant(s). If not privileged information by law, the report shall at a minimum include information and statistics regarding the location, the number and type of violent crime, criminal domestic violence, driving under the influence charges, the number of cases prosecuted, and the disposition of the cases number of dispositions, types of dispositions, and county in which the dispositions took place.~~

**46.9 DELETE NEW PROVISO** (Central Office Staff) **HOU:** ADD new proviso to limit the central office to 4 state funded FTEs for the current fiscal year: an Executive Director, Administrative Assistance, Education Coordinator, and Coordinator for Pre-Trial Intervention. Direct that this does not apply to grant funded FTEs. Direct the Office of State Budget to assist the agency with implementing this provision, to include relocating central office staff into a state-owned office building as soon as practicable, and to identify savings achieved by this provision. Direct that any savings be transferred to Judicial Circuits State Support. Direct that this provision does not limit the powers and duties of the Commission on Prosecution Coordination. Sponsors: Reps. Pope and McCoy.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

46.9. (PCC: Central Office Staff) For the current fiscal year, the central office is limited to 4 State Funded FTE's as follows: Executive Director, Administrative Assistant, Education Coordinator, and the Coordinator for Pre-Trial Intervention. This limitation does not apply to FTE's funded with grant funds. The Office of State Budget shall assist the agency with the implementation of this proviso to include the re-location of central office staff in a state owned office building as soon as practicable. In addition the Office of State Budget shall identify the savings achieved by this proviso. Any savings achieved must be transferred to Judicial Circuits State Support. Nothing in this proviso shall be construed to limit the powers and duties of the Commission on Prosecution Coordination.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

46.9. (PCC: Central Office Staff) DELETED

**46.10 DELETE NEW PROVISO** (Special Items Distributed on Per Capita Basis) **HOU:** ADD new proviso to require all special items be distributed to the 16 Circuit Solicitors' offices on a per capita basis. Sponsors: Reps. Pope, Pitts, and G.M. Smith.

46.10. (PCC: Special Items Distributed on Per Capita Basis) All funds appropriated as special items in Part IA must be distributed to the 16 offices of circuit solicitors on a per capita basis.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

46.10. (PCC: Special Items Distributed on Per Capita Basis) DELETED

**SECTION 47 - E23 - COMMISSION ON INDIGENT DEFENSE**

**47.5 AMEND FURTHER** (Civil Court Appointments) Directs the expenditure of Civil Court Appointments funds to reimburse court appointed private attorneys for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief. Prohibits Civil Court Appointments funds from being transferred or used for any other purpose. Directs that Civil Court Appointments funds also be used to reimburse private attorney's appointed by the Family Court to serve as guardians ad litem, where volunteer appointments cannot be made. Establishes a reimbursement rate and provides guidelines for reimbursement to exceed the limits.

**WMC:** AMEND proviso to delete reference to attorney's serving as guardian ad litem where volunteer appointments cannot be made. Direct that a portion of "Civil Court Appointments" funds be used to pay for non capital Post Conviction Relief cases . Direct that the rate of compensation for appointed attorneys not exceed \$40 per hour for time spent out of court and \$60 per hour for time spent in court, or on the basis of a set (flat) fee. Direct that the payment method and amount of the set (flat) fee will be determined by the Commission on Indigent Defense. Direct that compensation and costs not exceed \$1,000 in any single case. Direct that if prior approval by written court order is not obtained for reimbursement in excess of the set hourly rate and limit no additional fees shall be paid. Direct that reimbursement in excess of the established amounts are authorized only if the court certifies in a written order that the reimbursement is necessary and such order must be prior to fees being incurred. Direct that if prior approval by written order is not obtained no additional expenses shall be paid. *Attorneys*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

*are no longer permitted to serve as guardians ad litem. Directives of proviso 47.4 are merged into this provision.* Fiscal Impact: OSB states that the agency indicates no negative impact on the General Fund. Requested by Commission on Indigent Defense.

**HOU:** ADOPT proviso as amended.

**47.5.** (INDEF: Civil Court Appointments) The funds appropriated under “Civil Court Appointments” shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief (PCR) to reimburse court appointed private attorneys and for other expenditures as specified in this provision. Civil Court Appointments funds may not be transferred or used for any other purpose.

A portion of the funds appropriated under “Civil Court Appointments” shall be used for “Termination of Parental Rights” cases and “Abuse and Neglect” cases to reimburse private attorneys who are appointed by the Family Court ~~to serve as guardians ad litem, where volunteer appointments cannot be made~~ and to represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq., 20-7-1695 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for “Probate Court Commitment” cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for “Sexual Violent Predator” cases to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will be determined by the Commission on Indigent Defense. Reimbursement shall not exceed two thousand dollars for any case under which such private attorney is appointed. Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. *If prior approval by written order of the court is not obtained no additional fees shall be paid under any circumstances.*

*A portion of the funds appropriated under “Civil Court Appointments” shall be used for non-capital Post Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Compensation and costs shall not exceed one thousand dollars in any single case.*

*Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained no additional fees shall be paid under any circumstances.*

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant’s attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the Office of Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense.

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

A portion of the funds appropriated under "Civil Court Appointments" may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil court appointments, to be reimbursed in accordance with applicable provisos and statutes.

**SFC:** AMEND FURTHER to delete language that was included in the proviso twice pertaining to reimbursement in excess of the hourly rate and limit.

**SEN:** ADOPT proviso as amended.

**47.5.(INDEF: Civil Court Appointments)** The funds appropriated under "Civil Court Appointments" shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief (PCR) to reimburse court appointed private attorneys and for other expenditures as specified in this provision. Civil Court Appointments funds may not be transferred or used for any other purpose.

A portion of the funds appropriated under "Civil Court Appointments" shall be used for "Termination of Parental Rights" cases and "Abuse and Neglect" cases to reimburse private attorneys who are appointed by the Family Court ~~to serve as guardians ad litem, where volunteer appointments cannot be made and~~ to represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq., 20-7-1695 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for "Probate Court Commitment" cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for "~~Sexual~~ Sexually Violent Predator" cases to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will be determined by the Commission on Indigent Defense. Reimbursement shall not exceed two thousand dollars for any case under which such private attorney is appointed.

*A portion of the funds appropriated under "Civil Court Appointments" shall be used for non-capital Post Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Compensation and costs shall not exceed one thousand dollars in any single case.*

Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. *If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the Office of Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of the court is not obtained, no additional expenses shall be paid under any circumstances.

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

A portion of the funds appropriated under "Civil Court Appointments" may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil court appointments, to be reimbursed in accordance with applicable provisos and statutes.

**47.8 DELETE** (INDEF: Application Fee for Appointment of Counsel) "Directs that for the current fiscal year, the application fee for public defender services payable under Section 17-3-30(B) [APPLICATION FEE] is increased to \$40.

**WMC:** AMEND proviso to delete the reference to "increased to." *Fee is currently \$40.*  
**Fiscal Impact:** No impact on the General Fund. Per agency, revenue generated last fiscal year was \$685,495. Requested by Commission on Indigent Defense.

**HOU:** ADOPT proviso as amended.

**47.8.** (INDEF: Application Fee for Appointment of Counsel) For the current fiscal year, the application fee for public defender services payable under Section 17-3-30(B) is ~~increased to~~ forty (\$40) dollars.

**SFC:** DELETE proviso. *Codified in Section 17-3-30.*

**SEN:** ADOPT deletion of proviso.

**47.8.** (INDEF: Application Fee for Appointment of Counsel) For ~~the current fiscal year,~~ the application fee for public defender services payable under Section 17-3-30(B) is ~~increased to~~ forty (\$40) dollars.

**SECTION 48 - D10 - STATE LAW ENFORCEMENT DIVISION**

**48.8 DELETE** (Detective/Security Fee) Authorizes SLED to charge and collect additional license and registration fees for private detective and private security businesses, including their employees, and companies which provide private security on their own premises. Directs that the revenue generated be transmitted to DPS to provide additional Capitol Complex area security.

**SEN:** DELETE proviso. *Ruled Out of Order. See new proviso 48.20.*

**48.8.** (SLED: Detective/Security Fee) ~~The State Law Enforcement Division is hereby authorized to charge and collect additional license and registration fees for private detective businesses, private security businesses, including employees of these businesses, and~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~companies which provide private security on their own premises. The funds generated will be transmitted to the Department of Public Safety and used for the purpose of providing additional security in the Capitol Complex area.~~

- 48.12 AMEND** (Private Detective Fees Criminal History Checks) Authorizes SLED to charge private and individual detective companies, private security companies, armed security guards, and proprietary security companies an additional \$25 fee to process state criminal history checks and \$50 for federal fingerprint based criminal history checks. Authorizes these funds to be collected, retained, expended and carried forward.  
**SEN:** AMEND proviso to delete reference to the fee being “an additional” fee. Sponsor: Sen Massey.

**48.12.** (SLED: Private Detective Fees Criminal History Checks) The State Law Enforcement Division is authorized to charge private detective companies, individual private detectives, private security companies, armed security guards, and proprietary security companies ~~an additional~~ a fee of twenty-five dollars to process state criminal history checks and fifty dollars for federal fingerprint based criminal history checks. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division.

- 48.19 ADD** (Meth Lab Study Committee) **SEN:** ADD new proviso to direct SLED to form a committee consisting of DHEC, emergency management personnel, local law enforcement, municipal and county officials and additional entities they deem necessary to study problems associated with cleaning illegal meth labs, disposing of their hazardous materials, and costs associated with the clean up. Require SLED submit recommendations to the General Assembly by January 30, 2012. Sponsor: Sen. Fair.

**48.19.** (SLED: Meth Lab Study Committee) From the funds appropriated to or authorized for the State Law Enforcement Division, the division is directed to form a committee consisting of the Department of Health and Environmental Control, emergency management personnel, local law enforcement, municipal and county officials, and any additional entities they deem necessary to study the problems of cleaning illegal methamphetamine labs, disposing of hazardous materials from those labs, and the costs associated with such clean-ups. The State Law Enforcement Division shall make a written report with recommendations to the General Assembly no later than January 30, 2012.

- 48.20 ADD** (Private Detective/Security Fee) **SEN:** ADD new proviso to direct that the license and registration fees SLED sets for private detective and security businesses, their employees, and companies which provide private security on their own premises must not exceed fees set by regulation as of January 1, 2011, unless the General Assembly approves otherwise. Direct SLED to transfer \$480,000 of these fees to DPS to provide Capitol Complex area security. Sponsors: Sens. Fair, Massey, and Knotts.

**48.20.** (SLED: Private Detective/Security Fee) The license and registration fees set by the State Law Enforcement Division for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises must not exceed those fees set by regulation as of January 1, 2011, unless otherwise approved by the General Assembly. From the funds collected from these fees, the State Law Enforcement Division must transfer \$480,000 to the Department of Public Safety which shall be used for the purpose of providing security in the Capitol Complex area.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SECTION 51 - N04 - DEPARTMENT OF CORRECTIONS**

- 51.24** **AMEND** (Public/Private Partnerships for Construction) Provides for construction of as many multi-purpose buildings at institutions as possible from funds appropriated in Act 407 of 2006. Requires matching funds for certain institutions prior to the start of construction.  
**SFC:** AMEND proviso to delete requirement that the department may only use inmate labor and other agency resources to construct buildings after seeking competitive bids. Requested by Department of Corrections.  
**SEN:** ADOPT proviso as amended.

**51.24.** (CORR: Public/Private Partnerships for Construction) Funds appropriated in Act 407 of 2006, Item 23, shall be used to construct as many multi-purpose buildings at Department of Corrections institutions as possible. For such facilities at Lieber, McCormick, Leath, or Allendale Correctional Institution, at least \$150,000 in matching funds and/or construction materials or services must be donated before construction of the facility may begin. At other Department of Corrections locations, the Director may require that donated funds and/or materials or services equal one-half of the cost of construction, including design and engineering costs. ~~The department may utilize inmate labor and other agency resources to construct the buildings only after seeking competitive bids to ensure the most cost effective method of construction.~~

- 51.30** **AMEND NEW PROVISO** (Credited Jail Time; DNA Sample Collection) **WMC:** ADD new proviso to direct that inmates sentenced to the Department of Corrections for more than 90 days are not required to be transported to the department's Reception and Evaluation Center if their jail time credit is in excess of their sentence. Direct that cities and counties who house inmates who have jail time credit in excess of their sentence may, through written agreement with the department, transfer required commitment records to the department electronically or by other means. Require the department to establish reasonable documentation requirements to facilitate implementation of this cost saving measure. Require department employees assigned to the court to obtain DNA samples from offenders who are required to submit such samples. Direct that this provision does not exempt those inmates from the \$250 DNA fee as required by Section 23-3-670 [COST OF COLLECTION SUPPLIES FOR PROCESSING SAMPLES; PROCESSING FEES]. Direct that the fee be collected in the same manner as other fines and fees and that it be submitted to the State Treasurer for remittance to SLED. Fiscal Impact: Per agency, 311 inmates were admitted to R&E and released within 5 days.  
**HOU:** ADOPT new proviso.

**51.30.** *(CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for sentences greater than 90 days, but who have credit for jail time in excess of their sentence to incarceration are not required to be transported to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who have credit for jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer required commitment records to the department electronically or by other means. The Department of Corrections must establish reasonable documentation requirements to facilitate the implementation of this cost savings measure. Employees of the Department of Corrections assigned to the court shall obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not exempt the above referenced inmates from the \$250 DNA fee as required by Section 23-3-670 of the 1976 Code. The \$250 fee shall be collected in the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SFC:** AMEND new proviso to specify that employees of the “Department of Probation, Parole, and Pardon Services” assigned to the court or “employees of the Department of Corrections, as applicable” shall obtain DNA samples.

**SEN:** ADOPT new proviso as amended.

51.30. (CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for sentences greater than 90 days, but who have credit for jail time in excess of their sentence to incarceration are not required to be transported to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who have credit for jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer required commitment records to the department electronically or by other means. The Department of Corrections must establish reasonable documentation requirements to facilitate the implementation of this cost savings measure. Employees of the Department of Probation, Parole, and Pardon Services assigned to the court or employees of the Department of Corrections, as applicable, shall obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not exempt the above referenced inmates from the \$250 DNA fee as required by Section 23-3-670 of the 1976 Code. The \$250 fee shall be collected in the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

**51.32 DELETE NEW PROVISO (Criminal Illegal Alien Rapid Repatriation) WMC:** ADD new proviso to authorize the Director of the Department of Corrections to release a prisoner to the custody and control of the US Immigration and Customs Enforcement if: a) the department has received a deportation order from the US Citizenship and Immigration Services; b) the prisoner has served at least 1/3 of the total amount of incarceration imposed by the court; and c) the prisoner has not been convicted of an offense as provided in Sections 16-3-10 [MURDER]; 16-3-29 [ATTEMPTED MURDER]; 16-3-652 and 16-3-653 [CRIMINAL SEXUAL CONDUCT IN THE FIRST AND SECOND DEGREE]; 16-3-655 [CRIMINAL SEXUAL CONDUCT WITH MINORS, FIRST AND SECOND DEGREE]; 16-3-600(B) [ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE]; 16-3-910 [KIDNAPPING]; 16-11-330(A) [ARMED ROBBERY]; 16-11-330(B) [ATTEMPTED ARMED ROBBERY]; drug trafficking as defined in 44-53-370(e) or trafficking in methamphetamine or cocaine base as defined in 44-53-375(C); 16-11-311 [BURGLARY IN THE FIRST DEGREE]; 16-3-85(A)(1) [HOMICIDE BY CHILD ABUSE]; 16-25-65 [CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE]; 16-15-140 [LEWD ACT UPON A CHILD UNDER SIXTEEN]; 16-15-395 [SEXUAL EXPLOITATION OF A MINOR FIRST DEGREE]; 16-15-405 [SEXUAL EXPLOITATION OF A MINOR SECOND DEGREE]; 16-15-415 [PROMOTING PROSTITUTION OF A MINOR]; 16-15-425 [PARTICIPATING IN PROSTITUTION OF A MINOR]; 56-5-2945(A)(2) [FELONY DRIVING UNDER THE INFLUENCE OR FELONY DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION RESULTING IN DEATH]. Require the director to consider all sentences being served when calculating the total amount of incarceration, but prohibit suspended portions of any sentence from being considered. Direct that if a prisoner who is released pursuant to this provision returns to the US illegally, upon notice from any federal or state law enforcement that the prisoner is incarcerated, the director shall revoke their release and the prisoner must serve the remainder of their sentence and shall not be eligible for parole. Fiscal Impact: Per the Department of Justice, in FY 10 SCDC reported 574 alien inmates and the Federal award received was \$376,359 or \$655.68 per alien inmate. In FY 09 SCDC reported 462 alien inmates and the Federal award received was \$459,670 or \$994.96 per alien inmate.  
**HOU:** ADOPT new proviso.

51.32. (CORR: Criminal Illegal Alien Rapid Repatriation) The Director of the Department of Corrections may release a prisoner to the custody and control of the United States Immigration and Customs Enforcement, provided the department has:

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

a) received an order of deportation for the prisoner from the United States Citizenship and Immigration Services,

b) the prisoner has served at least one-third (1/3) of the total amount of incarceration imposed by the court, and

c) the prisoner has not been convicted of an offense as provided in the following Sections of the 1976 Code: Section 16-3-10 (murder); Section 16-3-29 (attempted murder); Sections 16-3-652 and 16-3-653 (criminal sexual conduct in the first and second degree); Section 16-3-655 (criminal sexual conduct with minors, first and second degree); Section 16-3-600(B) (assault and battery of a high and aggravated nature); Section 16-3-910 (kidnapping); Section 16-11-330(A) (armed robbery); Section 16-11-330(B) (attempted armed robbery); drug trafficking as defined in Section 44-53-370(e) or trafficking in methamphetamine or cocaine base as defined in Section 44-53-375(C); Section 16-11-311 (burglary in the first degree); Section 16-3-85(A)(1) (homicide by child abuse); Section 16-25-65 (criminal domestic violence of a high and aggravated nature); Section 16-15-140 (lewd act upon a child under sixteen); Section 16-15-395 (sexual exploitation of a minor first degree); Section 16-15-405 (sexual exploitation of a minor second degree); Section 16-15-415 (promoting prostitution of a minor); Section 16-15-425 (participating in prostitution of a minor); Section 56-5-2945(A)(2) (felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death).

The director shall consider all sentences being served when calculating the total amount of Incarceration, but shall not consider the suspended portion of any sentence.

If a prisoner released pursuant to this provision returns illegally to the United States, upon notice from any federal or state law enforcement agency that the prisoner is incarcerated, the director shall revoke the release of the prisoner and the prisoner shall serve the remainder of the incarceration originally imposed by the court. The prisoner shall not thereafter be eligible for parole on any sentence affected by the release provided above.

**SFC:** AMEND new proviso to correct reference to the department. *Technical.*

**SEN:** DELETE new proviso. *Ruled Out of Order.*

51.32. (CORR: Criminal Illegal Alien Rapid Repatriation) **DELETED**

**SECTION 53 - N12 - DEPARTMENT OF JUVENILE JUSTICE**

**53.3** **DELETE** (Educational Funds Audit) Requires DJJ, notwithstanding EFA provisions, to have its educational funds audited by the State Auditor on a schedule established by the State Auditor and directs that the audit be sufficient to satisfy the timetable for audits required in Reg 43175.

**SEN:** DELETE proviso. *Ruled Out of Order.*

~~**53.3.** (DJJ: Educational Funds Audit) Notwithstanding the provisions of the Education Finance Act, the South Carolina Department of Juvenile Justice shall have its educational funds audited by the Office of the State Auditor pursuant to a schedule established by the State Auditor, and said audit shall be sufficient to satisfy the timetable for audits required in Regulation 43175.~~

**53.6** **DELETE** (Juvenile Justice Parole Board Compensation) Authorizes DJJ to pay Juvenile Justice Parole Board members up to \$200 a day for services rendered in performance of their official duties. Limits the amount of agency funds that can be used for this purpose to \$48,000 a year and directs that this amount is subject to base budget reductions.

**SEN:** DELETE proviso. *Ruled Out of Order.*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**53.6.** (DJJ: Juvenile Justice Parole Board Compensation) ~~The department is authorized to pay the Juvenile Justice Parole Board member up to \$200 per day for services rendered to the agency in the performance of their official duties. The total amount of agency funds which can be utilized in this manner cannot exceed \$48,000 per year and is subject to base budget reductions.~~

- 53.17** **AMEND** (Earned Compliance Credit) Authorizes the department to grant up to a 10 day reduction of the probationary or parole term of probationers and parolees under their supervision for each month they are in compliance with the terms and conditions of their probation or parole order. Prohibits parolees under the Board of Juvenile Parole's jurisdiction from being eligible to receive this credit.  
**SFC:** AMEND proviso to delete the prohibition pertaining to parolees under the Board of Juvenile Parole's jurisdiction. Requested by Department of Juvenile Justice.  
**SEN:** ADOPT proviso as amended.

**53.17.** (DJJ: Earned Compliance Credit) In order to avoid unconstitutional levels of overcrowding and other unconstitutional conditions from occurring in residential programs operated for the Department of Juvenile Justice, and in order to reduce caseloads of the Department's probation and parole officers so that these officers can better focus their attention and limited resources on those offenders who pose a greater threat to public safety, the Department is authorized to grant up to a ten day reduction of their probationary or parole term to probationers and parolees who are under its supervision for each month they are compliant with the terms and conditions of their probation or parole order. ~~Parolees under the jurisdiction of the Board of Juvenile Parole are not eligible to receive this credit.~~

**SECTION 55 - L46-COMMISSION FOR MINORITY AFFAIRS**

- 55.5** **DELETE NEW PROVISO** (Fatherhood and Families Pilot Program) **HOU:** ADD new proviso to direct the commission, if funds are available, to implement and support a Fatherhood and Families Pilot Program in Darlington County. Direct that the pilot program's goals will be to link absent fathers with their children in order to diminish the negative impact and effects of "father absence" and to strengthen families. Sponsor: Rep. Limehouse.

*55.5. (CMA: Fatherhood and Families Pilot Program) The Commission for Minority Affairs, provided that funds are available, is directed to implement and support a Fatherhood and Families Pilot Program in Darlington County. The goals of the Fatherhood and Families Pilot Program will be to link absent fathers with their children in order to diminish the negative impact and effects of "father absence" and to strengthen families.*

**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of proviso.

*55.5. (CMA: Fatherhood and Families Pilot Program) DELETED*

**SECTION 65 - R36-DEPARTMENT OF LABOR, LICENSING AND REGULATION**

- 65.7** **AMEND** (Flexibility) Authorizes the department to spend agency earmarked and restricted accounts to absorb general fund reductions to the OSHA and OSHA Voluntary Programs. Requires any increase in spending authorization for these purposes to receive prior Office of State Budget approval.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SEN:** AMEND proviso to delete reference to “agency earmarked and restricted accounts” and instead authorize LLR to spend “funds not statutorily restricted for a specific use.” Sponsor: Sen. McConnell.

**65.7.** (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and OSHA Voluntary Programs, the Department of Labor, Licensing, and Regulation shall be authorized to spend ~~agency earmarked and restricted accounts~~ funds not statutorily restricted for a specific use to maintain these critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget.

- 65.11 DELETE** (Release of Information) Directs the department to provide information requested by a POL Board that operates under the purview of the department in a timely manner.  
**SFC:** DELETE proviso. *Agency is required by Title 40 to provide information requested by POL boards.* Fiscal Impact: No impact on the General Fund. Requested by Department of Labor, Licensing and Regulation.  
**SEN:** ADOPT deletion of proviso.

**65.11.** (LLR: Release of Information) ~~If a Professional and Occupational Licensing Board operating under the purview of the department requests information, such information must be provided in a timely manner.~~

- 65.13 ADD** (Board of Pharmacy) **SEN:** ADD new proviso to require the Board of Pharmacy to accept affidavits of practical experience from interns whose internships occurred in this State. Require the affidavit provide that the supervising pharmacist and site of experience is licensed and in good standing with the board and that the internship falls within criteria set by the board. Require a \$10 fee accompany the affidavit to cover administrative costs associated with compliance with this provision. Sponsor: Sen. Rankin.

*65.13. (LLR: Board of Pharmacy) The Board of Pharmacy must accept affidavits of practical experience from interns whose practical experience internships occurred in this State. The affidavit must provide that the supervising pharmacist and the site of experience is licensed and in good standing with the board and that the internship falls within the criteria for internships set by the board. The affidavit must be accompanied by a ten dollar fee to cover administrative costs associated with compliance with this proviso.*

**SECTION 66 - R40-DEPARTMENT OF MOTOR VEHICLES**

- 66.6 DELETE** (DMV Transaction Fee) Authorizes DMV to collect a transaction fee from commercial third parties who either transmit or retrieve data from the department. Directs that the fee not exceed \$5 per transaction and that the fee must be mutually agreed to by all parties. Authorizes the department to retain and place the fee in a special restricted interest bearing account to defray costs associated with maintaining and operating their information technology system.  
**SFC:** DELETE proviso. *Codified in Section 56-19-265(B).*  
**SEN:** ADOPT deletion of proviso.

~~**66.6.** (DMV: DMV Transaction Fee) The Department of Motor Vehicles is authorized to collect a transaction fee from commercial third parties who either transmit or retrieve data from the DMV. The fee cannot exceed five dollars per transaction and must be mutually agreed to by all parties. These fees are to be retained by the division and placed in a special restricted~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~interest bearing account to be used by the division to defray the costs associated with the maintenance and operation of the division's information and technology system.~~

- 66.7 DELETE** (Motor Carrier Registration Fees) Requires administration of Title 58, Chapter 23 [MOTOR VEHICLE CARRIERS], Article 3 [INSURANCE AND REVOCATION CERTIFICATES] and Article 5 [ANNUAL APPLICATIONS AND LICENSE FEES] be funded from motor carrier registration fees and authorizes unexpended funds to be retained and carried forward.  
**SFC:** DELETE proviso. *Codified in Section 56-3-662.*  
**SEN:** ADOPT deletion of proviso.

~~**66.7.** (DMV: Motor Carrier Registration Fees) Administration of Articles 3 and 5, Chapter 23, Title 58, shall be funded from the motor carrier registration fees collected by the department that previously were collected by the Public Service Commission. All unexpended funds from prior years collected under this proviso may be retained and carried forward by the department for the same purposes.~~

**SECTION 68A - U12-DEPARTMENT OF TRANSPORTATION**

- 68A.10 REINSERT** (Financial Status Reports) Directs the Department of Transportation to provide quarterly reports on the financial status of highway projects to the corresponding Metropolitan Planning Organization or Regional Council of Governments.  
**WMC:** DELETE proviso. *The information required to be provided is updated and provided on the agency's web page as part of the Statewide Transportation Improvement Program with the exception of expenditures and obligations. That information could be provided as requested.* Fiscal Impact: No impact on the General Fund. The agency would recognize a cost savings through reduction of paper and utilizing employee time more productively. Requested by Department of Transportation.  
**HOU:** ADOPT deletion of proviso.

~~**68A.10.** (DOT: Financial Status Reports) The Department of Transportation must provide to each Metropolitan Planning Organization and Regional Council of Government, as appropriate, a quarterly financial status report of approved highway projects to include authorized project financial obligations and to date project expenditures and percent of completion.~~

**SFC:** REINSERT proviso.  
**SEN:** ADOPT original proviso.

**68A.10.** (DOT: Financial Status Reports) The Department of Transportation must provide to each Metropolitan Planning Organization and Regional Council of Government, as appropriate, a quarterly financial status report of approved highway projects to include authorized project financial obligations and to date project expenditures and percent of completion.

- 68A.14 DELETE NEW PROVISO** (Statewide Rail Planning) **WMC:** ADD new proviso to direct the Office of Railroads within the Division of Intermodal and Freight Programs, pursuant to Act 206 of 2010 [DIVISION OF RAILROAD TRANSPORTATION], to further implement a state railroad corridor preservation and revitalization plan and a comprehensive state rail plan for passenger and freight railroads and infrastructure services in compliance with applicable federal laws, rules, and regulations. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

68A.14. (DOT: Statewide Rail Planning) Pursuant to Act 206 of 2010, the Office of Railroads within the Division of Intermodal and Freight Programs of the Department of Transportation is directed to further implement a (a) state railroad corridor preservation and revitalization plan; and (b) a comprehensive state rail plan for passenger and freight railroads and infrastructure services in compliance with applicable federal laws, rules, and regulations.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

68A.14. (DOT: Statewide Rail Planning) **DELETED**

**68A.15 DELETE NEW PROVISO** (Advertising) **WMC:** ADD new proviso to authorize the department to enter into agreements with private entities to advertise on its primary agency website, other project websites, properties associated with and owned by the department, the Shelter and Bench Program, the Incident Response Program, Rest Areas and the 511 Real-Time Traveler Information Program. Direct that agreements may be entered into for the purpose of generating revenue for the cost of acquiring, constructing, equipping, maintaining and operating highways, roads, streets and bridges. Require a report be compiled that provides an accounting of the revenue received and expended associated with this advertising initiative and direct that in-kind payment agreements be included in the report. Direct that the report be submitted annually by June 30<sup>th</sup> to the President Pro Tempore of the Senate, Speaker of the House of Representatives, Chairmen of the Senate Finance and House Ways and Means Committees, and Chairmen of the Senate Finance Natural Resources and House Ways and Means Transportation and Regulatory Subcommittees. Fiscal Impact: OSB states that DOT expenditures would increase based on the amount of actual revenue generated. DOT estimates this proposal would generate approximately \$3.8 million in revenue the first year and \$3.9 annually thereafter.

**HOU:** ADOPT new proviso.

68A.15. (DOT: Advertising) The Department of Transportation is hereby authorized to enter into agreements for parties to advertise on its primary agency website and other project websites, as well as properties associated with and owned by the department, the Shelter and Bench Program, the Incident Response Program, Rest Areas and the 511 Real-Time Traveler Information Program. Any agreements between the department and private entities may be entered into in order to generate revenue for the cost of acquiring, constructing, equipping, maintaining and operating highways, roads, streets and bridges.

The department shall compile a report accounting for the revenue received and expended from this advertising initiative, including any in-kind payment agreement. The report shall be submitted annually by June 30<sup>th</sup> to the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the House Ways and Means Transportation and Regulatory Subcommittee.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

68A.15. (DOT: Advertising) **DELETED**

**68A.16 DELETE NEW PROVISO** (Service Plazas) **WMC:** ADD new proviso to authorize the department to pursue developing and placing service plazas along eligible highways and interstates within the state. Direct that placement of the service plazas should focus on traveler

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

needs, repurposing existing facilities, financial concessions with public/private initiatives, and green technology.

**HOU:** ADOPT new proviso.

*68A.16. (DOT: Service Plazas) The department is hereby authorized to pursue the development and placement of service plazas along eligible highways, including interstate routes, within the state. The placement of service plazas should focus on traveler needs, repurposing of existing facilities, financial concessions with public/private initiatives, and green technology.*

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

*68A.16. (DOT: Service Plazas) DELETED*

**68A.17 DELETE NEW PROVISO (I-74 EIP) WMC:** ADD new proviso to direct the department to use the funds appropriated for the routing, planning, and studying of I 74 to conduct an Environmental Impact Study to extend SC Highway 31, the Carolina Bays Parkway, 4 miles to the North Carolina state line. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

*68A.17. (DOT: I-74 EIP) The Department of Transportation shall use the funds appropriated for the routing, planning, and studying of Interstate 74 to conduct an Environmental Impact Study to extend SC Highway 31, known as the Carolina Bays Parkway, four miles to the North Carolina state line.*

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

*68A.17. (DOT: I-74 EIP) DELETED*

**68A.18 DELETE NEW PROVISO (C-Funds) WMC:** ADD new proviso to direct that if a county transportation committee uses their C-Funds to resurface or implement other pavement preservation of state roads, DOT has the option to match those funds at a minimum of 50%. Direct the department to promulgate regulations for this match program. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

*68A.18. (DOT: C-Funds) If a county transportation committee chooses to utilize funds from the allocated C-Fund program to resurface or implement other pavement preservation of state roads, the Department of Transportation has the option to match said funds at a minimum of fifty percent. The department shall promulgate regulations relating to the match program required by this provision.*

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

*68A.18. (DOT: C-Funds) DELETED*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SECTION 69 - Y14 - STATE PORTS AUTHORITY**

- 69.2 DELETE NEW PROVISO** (Georgetown Promotion) **WMC:** ADD new proviso to direct the State Ports Authority to continue to market the Port of Georgetown facility for promotion and development of renewable energy in the state. Direct other public entities in the state that are responsible for promoting economic development and renewable energy to continue to work with the State Ports Authority to raise awareness of the Port of Georgetown as a viable link in the energy infrastructure chain. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

*69.2. (SPA: Georgetown Promotion) The State Ports Authority shall continue to market the Port of Georgetown facility for the promotion and development of renewable energy in South Carolina. Other public entities in South Carolina responsible for promoting economic development and renewable energy shall continue to work with the State Ports Authority to raise awareness of the Port of Georgetown as a viable link in the energy infrastructure chain.*

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

*69.2. (SPA: Georgetown Promotion) DELETED*

- 69.3 AMEND NEW PROVISO** (Georgetown Port Marketing) **WMC:** ADD new proviso to direct the State Ports Authority to increase the amount of funds expended for marketing the Port of Georgetown in FY 11-12 by 15% above the amount expended in FY 10-11. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

*69.3. (SPA: Georgetown Port Marketing) The State Ports Authority must increase its Fiscal Year 2011-12 marketing expenditures for the Port of Georgetown by fifteen percent above the Fiscal Year 2010-11 level.*

**SFC:** AMEND new proviso to delete the requirement that marketing expenditures increase by 15% and instead direct the Ports Authority to continue its cargo diversification strategy which enhances marketing Charleston and Georgetown terminal capabilities, highlighting cruise, breakbulk, bulk, and roll on/roll off.

**SEN:** ADOPT new proviso as amended.

*69.3. (SPA: Georgetown Port Marketing) The State Ports Authority will continue its cargo diversification strategy which enhances the marketing of all terminal capabilities in Charleston and Georgetown highlighting cruise, breakbulk, bulk, and roll on/roll-off.*

**SECTION 70 - A99 - LEGISLATIVE DEPARTMENT**

- 70.25 AMEND** (Statewide Acts Availability) Directs Clerks of the House and Senate to make all statewide Acts available electronically.  
**SFC:** AMEND proviso to allow the clerks to make all statewide Acts available electronically before sine die adjournment.  
**SEN:** ADOPT proviso as amended.

*70.25. (LEG: Statewide Acts Availability) ~~After sine die adjournment, the~~ From the funds appropriated in Part IA, Section 70D of this Act, for the current fiscal year the clerks of the*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

House of Representatives and the Senate are to make all statewide Acts available to the public electronically. The provisions of this section are in lieu of the House and Senate Clerks' duties related to the printing and mailing of statewide acts as set forth in ~~Section~~ Sections 2-7-80, 2-13-190, 2-13-210, and 11-25-640 through 11-25-680 of the 1976 Code.

- 70.29 AMEND NEW PROVISO** (DMV Audit Review) **WMC:** ADD new proviso to direct that the LAC is not required to conduct an independent review of DMV and direct that any savings generated be used to conduct audits required by Section 2-15-60 [DUTIES OF COUNCIL]. *Not being required to conduct the DMV review will enable the LAC to use the funds to conduct audits requested by the General Assembly.* Fiscal Impact: No impact on the General Fund. Requested by Legislative Audit Council.  
**HOU:** ADOPT new proviso.

*70.29. (LEG: DMV Audit Review) For Fiscal Year 2011-12, the Legislative Audit Council shall not be required to conduct an independent review of the Department of Motor Vehicles. Any savings generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.*

**SFC:** AMEND new proviso to suspend the provisions of Section 56-1-5(F) rather than instruct the council that they are not required to conduct an independent review of DMV.  
**SEN:** ADOPT new proviso as amended.

*70.29. (LEG: DMV Audit Review) For Fiscal Year 2011-12, the provisions of Section 56-1-5(F) are suspended. Any savings generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.*

- 70.31 ADD** (Exemptions Repeal Committee) **SEN:** ADD new proviso to create the joint Exemptions Repeal Committee composed of 8 members: the Chairmen of the Senate Finance and House Ways and Means Committees and 3 members from each committee appointed by the chairmen. Direct the B&C Board Office of Economic Research to divide all sales tax exemptions contained in Section 12-36-2120 [EXEMPTIONS FROM SALES TAX] into 5 groups by August 15, 2011. Direct that the exemptions be grouped to maximize diversity in terms of items and to have a similar revenue impact on the State. Direct that the grouping be reported to the Exemptions Repeal Committee, that the committee hold public hearings on the contents of the first group and accept testimony and written justification from any person who seeks to have all or part of the exemptions removed from the group. Authorize the committee, after the public evaluation, to recommend all or part of a group be excluded from repeal and to submit its recommendations to the General Assembly by January 1, 2012. Sponsor: Sen. Rose.

*70.31. (LEG: Exemptions Repeal Committee) There is created the Exemptions Repeal Committee, a joint committee of the Senate and the House of Representatives. The committee shall be composed of eight members as follows: the Chairman of the Senate Finance Committee and three members of the Senate appointed by the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee and three members of the House appointed by the Chairman of the House Ways and Means Committee. By August 15, 2011, the Office of Economic Research, Budget and Control Board shall divide all sales tax exemptions contained in Section 12-36-2120 into five groups. The Office of Economic Research shall allocate the exemptions into groups so as to maximize diversity among the groups in terms of items and to have a similar revenue impact on the State.*

*Upon conclusion, the Office of Economic Research, Budget and Control Board shall report the groups to the Exemptions Repeal Committee, the Chairman of the Senate Finance*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Committee, and the Chairman of the House Ways and Means Committee. Following the report of the groups, the Exemptions Repeal Committee shall hold public hearings on the contents of the first group. The committee shall accept testimony and written justification from any person seeking to have all or part of the exemptions removed from the group.

After public evaluation, the committee may recommend that all or part of a group be excluded from repeal. The committee shall submit its recommendations to the General Assembly by January 1, 2012.

**SECTION 72 - D21 - GOVERNOR'S OFFICE**

- 72.15 DELETE** (OEPP - Federal, Other Flow Through Funds) Authorizes the Governor's Office to spend current year federal and earmarked funds for expenses incurred in the prior fiscal year in order to completed projects begun in the prior fiscal year.  
**SEN:** DELETE proviso. Sponsor: Sen. Malloy.

~~**72.15.** (GOV: OEPP - Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Governor's Office is authorized to expend federal and earmarked funds in the current fiscal year for expenses incurred in the prior fiscal year.~~

- 72.20 AMEND FURTHER** (OEPP - ~~Anderson~~ M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) Authorizes Anderson County Veterans Cemetery funds to be carried forward and utilized for the same purpose.  
**WMC:** AMEND proviso to delete reference to "Anderson County" and replace with "M.J. "Dolly" Cooper." Direct that unexpended Veterans Affairs Program funds, including special items, shall be carried forward and used to operate the cemetery. *The Veterans Cemetery is currently only appropriated personal service funding, not "other operating" funds. The carry forward may provide a small source of revenue for cemetery operations.* Fiscal Impact: No impact on the General Fund. Requested by Governor's Office of Executive Policy and Programs.  
**HOU:** ADOPT proviso as amended.

~~**72.20.** (GOV: OEPP - ~~Anderson~~ M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) The Governor's Office of Executive Policy and Programs, Veterans' Affairs Program may carry forward unexpended funds appropriated and/or authorized for the ~~Anderson County~~ M.J. "Dolly" Cooper Veterans Cemetery from the prior fiscal year and shall use such funds for the same purpose. In addition, any unexpended funds in the Veterans' Affairs Program, including Special Line Items, shall be carried forward from the prior fiscal year into the current fiscal year and used for operation of the M.J. "Dolly" Cooper Veterans Cemetery.~~

**SFC:** AMEND FURTHER to allow excess carry forward funds that are not needed to operate the cemetery to be used for other Veteran' Affairs Program expenses. Prohibit these carry forward funds from being transferred to any other Governor's Office programs.  
**SEN:** ADOPT proviso as amended.

~~**72.20.** (GOV: OEPP - ~~Anderson~~ M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) The Governor's Office of Executive Policy and Programs, Veterans' Affairs Program may carry forward unexpended funds appropriated and/or authorized for the ~~Anderson County~~ M.J. "Dolly" Cooper Veterans Cemetery from the prior fiscal year and shall use such funds for the same purpose. In addition, any unexpended funds in the Veterans' Affairs Program, including Special Line Items, shall be carried forward from the prior fiscal year into the current fiscal year and used for operation of the M.J. "Dolly" Cooper Veterans Cemetery. Funds carried~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

forward in excess of the amount needed for the operation of the Cemetery may be used for other expenses of the Veterans' Affairs Program. Funds carried forward may not be transferred to any other Governor's Office programs.

**72.21 AMEND FURTHER** (Mansion and Grounds Maintenance and Complex Facilities) Requires the Governor's Office to use at least \$241,569 of operating funds to reimburse the B&C Board, Division of General Services for expenses incurred associated with operation and maintenance of the Mansion Complex facilities and grounds. Directs that revenue collected from Mansion Complex facilities and grounds rental must be credited to and maintained in an account within the Governor's Office.

**WMC:** AMEND proviso to delete the requirement that the Governor's Office use at least \$241,569 to reimburse the B&C Board, Division of General Services. Fiscal Impact: No impact on the General Fund. Requested by Governor's Office.

**HOU:** ADOPT proviso as amended.

~~**72.21.** (GOV: M&G - Mansion and Grounds Maintenance and Complex Facilities) The Governor's Office must use a minimum of \$241,569 of the operating funds appropriated in Part IA, Section 72C to reimburse the Budget and Control Board, Division of General Services, for expenses incurred by the division for the operation and maintenance of the facilities and grounds of the Mansion Complex. Revenue collected from rental of Mansion Complex facilities and grounds must be credited to and maintained in an account within the Governor's Office.~~

**SFC:** AMEND FURTHER to authorize the funds to be retained, expended and carried forward to support agency operations.

**SEN:** ADOPT proviso as amended.

~~**72.21.** (GOV: M&G - Mansion and Grounds Maintenance and Complex Facilities) The Governor's Office must use a minimum of \$241,569 of the operating funds appropriated in Part IA, Section 72C to reimburse the Budget and Control Board, Division of General Services, for expenses incurred by the division for the operation and maintenance of the facilities and grounds of the Mansion Complex. Revenue collected from rental of Mansion Complex facilities and grounds must be credited to and maintained in an account within the Governor's Office retained and expended by the Governor's Office, Mansion and Grounds to support its operations. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.~~

**72.22 REINSERT** (OEPP - Crime Victims Ombudsman) Requires the State Office of Victims Assistance to transfer \$48,000 to the Crime Victims Ombudsman's Office for administrative and operational support.

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

~~**72.22.** (GOV: OEPP - Crime Victims Ombudsman) For the current fiscal year, the State Office of Victims Assistance shall transfer \$48,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.~~

**SFC:** REINSERT proviso.

**SEN:** ADOPT original proviso.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**72.22.** (GOV: OEPP - Crime Victims Ombudsman) For the current fiscal year, the State Office of Victims Assistance shall transfer \$48,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

**SECTION 75 - E12 - COMPTROLLER GENERAL'S OFFICE**

**75.3 AMEND FURTHER** (Payroll Deduction Processing Fee) Requires a processing fee, not to exceed 20 cents, for payroll deductions for insurance plans, credit unions, deferred compensation plans and professional associations; directs that the fee shall not apply to charitable deductions; authorizes the Comptroller General to charge the SC Lottery Commission a reasonable processing fee not to exceed \$15,000 annually; allows the revenue generated from these fees and from child support deductions to be used to support the operations of the Comptroller General's Office; and allows unexpended funds to be carried forward and used for the same purposes.

**WMC:** AMEND proviso to delete the authorization to charge the Lottery Commission up to \$15,000 to process payroll. *The Lottery Commission now processes their own payroll.* Fiscal Impact: No impact on the General Fund. Other funds the CG receives will be reduced by \$15,000. Requested by Office of the Comptroller General.

**HOU:** ADOPT proviso as amended.

**75.3.** (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed 20 cents, for insurance plans, credit unions, deferred compensation plans and professional associations per deduction per pay day. This fee shall not be applied to charitable deductions. ~~The Comptroller General is authorized to charge a reasonable fee to the South Carolina Lottery Commission for the purpose of payroll processing not to exceed \$15,000 annually.~~ The revenues generated from these fees and those provided for child support deductions in accordance with Section 20-7-1315(F)(3), S. C. Code of Laws, 1976, as amended, may be used to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and utilized for the same purposes.

**SFC:** AMEND FURTHER to add "benefit providers" to the category for which the payroll deductions processing fee may be charged.

**SEN:** ADOPT proviso as amended.

**75.3.** (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed 20 cents, for insurance plans, credit unions, deferred compensation plans, *benefit providers,* and professional associations per deduction per pay day. This fee shall not be applied to charitable deductions. ~~The Comptroller General is authorized to charge a reasonable fee to the South Carolina Lottery Commission for the purpose of payroll processing not to exceed \$15,000 annually.~~ The revenues generated from these fees and those provided for child support deductions in accordance with Section 20-7-1315(F)(3), S. C. Code of Laws, 1976, as amended, may be used to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and utilized for the same purposes.

**75.6 AMEND NEW PROVISO** (Federal 3% Withholding Mandate) **WMC:** ADD new proviso to direct that if the provision in the Tax Reconciliation Act of 2005 (Public Law 109-222) that requires withholding 3% of payments to vendors and other payees for remission to the IRS is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess state agencies for their pro rata share of the costs of implementing and

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

operating the program to comply with the federal mandate. Limit the total assessment cost charged to agencies to \$235,000 during the first year of the program. Direct that the assessment methodology be based on each agency's volume of payments to which the 3% withholding mandate would have applied during the last completed fiscal year. Require an explanation of the assessment methodology and the amount of the assessment to be charged to each agency be provided to the Chairmen of the Senate Finance and House Ways and Means Committees at least 15 days before the assessments are issued. Direct that the agencies must pay the assessment within 30 days of issuance. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

75.6. (CG: Federal 3% Withholding Mandate) In the event the provision in the Tax Reconciliation Act of 2005 (Public Law 109-222) requiring the withholding of three per cent (3%) of payments to vendors and other payees for remission to the Internal Revenue Service is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess charges against state agencies for their pro rata share of the costs of the implementation and operation of the program to comply with this federal mandate. The total costs of the program assessed against agencies during the first fiscal year of the program shall not exceed \$235,000. The methodology for the pro rata assessment shall be based on each agency's volume of payments to which the three percent (3%) withholding mandate would have applied during the last completed fiscal year. The Comptroller General's Office shall provide the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee with an explanation of the assessment methodology and the assessment to be charged to each agency at least fifteen (15) days before the issuance of the assessments. The assessment shall be paid by each agency to the Comptroller General's Office within thirty (30) days of the issuance of the assessment. .

**SFC:** AMEND new proviso to authorize the funds to be retained and unexpended funds to be carried forward and used for the same purpose. Requested by Comptroller General's Office.

**SEN:** ADOPT new proviso as amended.

75.6. (CG: Federal 3% Withholding Mandate) In the event the provision in the Tax Reconciliation Act of 2005 (Public Law 109-222) requiring the withholding of three per cent (3%) of payments to vendors and other payees for remission to the Internal Revenue Service is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess charges against state agencies for their pro rata share of the costs of the implementation and operation of the program to comply with this federal mandate. The total costs of the program assessed against agencies during the first fiscal year of the program shall not exceed \$235,000. The methodology for the pro rata assessment shall be based on each agency's volume of payments to which the three percent (3%) withholding mandate would have applied during the last completed fiscal year. These revenues may be retained and expended by the Comptroller General's Office to support implementation and operation of the program. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose. The Comptroller General's Office shall provide the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee with an explanation of the assessment methodology and the assessment to be charged to each agency at least fifteen (15) days before the issuance of the assessments. The assessment shall be paid by each agency to the Comptroller General's Office within thirty (30) days of the issuance of the assessment.

**75.7 DELETE NEW PROVISO** (Federal Expanded 1099 Reporting Mandate) **WMC:** ADD new proviso to direct that if the provision in the Patient Protection and Affordable Care Act of 2010,

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

as amended, requiring (1) the issuance of IRS Form 1099 for vendors that are corporations and (2) the IRS Form 1099 include payments for property is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess state agencies for their pro rata share of the costs of implementing and operating the program to comply with the federal mandate. Limit the total assessment cost charged to agencies to \$255,000 during the first year of the program. Direct that the assessment methodology be based on each agency's number of vendors to which the expanded Form 1099 reporting mandate would have applied during the last completed fiscal year. Require an explanation of the assessment methodology and the amount of the assessment to be charged to each agency be provided to the Chairmen of the Senate Finance and House Ways and Means Committees at least 15 days before the assessments are issued. Direct that the agencies must pay the assessment within 30 days of issuance. Requested by Office of Comptroller General. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

75.7. (CG: Federal Expanded 1099 Reporting Mandate) In the event the provision in the Patient Protection and Affordable Care Act of 2010, as amended, requiring (1) the issuance of IRS Form 1099 for vendors that are corporations and (2) the IRS Form 1099 include payments for property is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess charges against state agencies for their pro rata share of the costs of the implementation and operation of the program to comply with this federal mandate. The total costs of the program assessed against agencies during the first fiscal year of the program shall not exceed \$255,000. The methodology for the pro rata assessment shall be based on each agency's number of vendors to which the expanded Form 1099 reporting mandate would have applied during the last completed fiscal year. The Comptroller General's Office shall provide the Chairman of the House Ways and Means Committee and the Senate Finance Committee with an explanation of the assessment methodology and the assessment to be charged to each agency at least fifteen (15) days before the issuance of the assessments. The assessment shall be paid by each agency to the Comptroller General's Office within thirty (30) days of the issuance of the assessment.

**SFC:** AMEND new proviso to authorize the funds to be retained and unexpended funds to be carried forward and used for the same purpose. Requested by Comptroller General's Office.

**SEN:** DELETE new proviso. Sponsors: Sens. Thomas and Fair.

75.7. (CG: Federal Expanded 1099 Reporting Mandate) **DELETED**

**75.8** **ADD** (Payroll System Maintenance for State Optional Retirement Program) **SFC:** ADD new proviso to authorize the Comptroller General to contract with the Retirement System to support the requirements of the State Optional Retirement Program (ORP) within the State's payroll and accounting systems. Authorize cost recovery for providing those services to not exceed \$100,000; allow those funds to be used to support the operations of the office; and authorize the funds to be carried forward and used for the same purposes. *To enable the agency to support ORP as needed.* Fiscal Impact: Maximum revenue generated for the office would be \$100,000. Requested by Comptroller General's Office.  
**SEN:** ADOPT new proviso.

75.8. (CG: Payroll System Maintenance for State Optional Retirement Program) The Comptroller General is hereby authorized to contract on mutually agreeable terms with the South Carolina Retirement System to maintain the State's payroll and accounting systems to accommodate the requirements of the State Optional Retirement Program (ORP). The Office of

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

the Comptroller General is authorized to seek cost recovery not to exceed \$100,000 from the SC Retirement System for those services. The cost recovery may be used to support the operations of the Office of the Comptroller General and any unexpended balance may be carried forward from the prior fiscal year into the current fiscal year and be used for the same purposes.

**SECTION 76 - E16 - STATE TREASURER'S OFFICE**

- 76.14 DELETE NEW PROVISO** (Audit Finding Follow-Up) **WMC:** ADD new proviso to direct and empower the State Treasurer to follow-up on audit findings issued by the LAC, the State Auditor, or any other independent audit that involves receipt and disbursement of state funds or in achieving cost savings; to conduct additional audits or take other actions to ensure state funds have been properly received and disbursed in accordance with legislative intent; and to contract for or conduct recovery audits to identify overpayments or erroneous payments to vendors. Authorize the State Treasurer to recover amounts due agencies or institutions by seeking refunds, withholding future payments or distributions, or by other actions deemed appropriate, including legal action on behalf of the State. Require entities disbursing or receiving state funds to cooperate with the State Treasurer in these activities. Direct the State Treasurer to deposit any funds collected by this provision in a separate account for appropriation by the General Assembly, unless otherwise provided for by law. Authorize the State Treasurer to retain and expend a portion of any funds received to pay for costs associated with managing and enforcing this provision. Direct the State Treasurer to annually report to the General Assembly on the management activities and cost recoveries. *Currently there are limited provisions for ensuring recovery of state funds in audit findings or cost savings. This proviso grants the State Treasurer the authority to follow-up and recover funds.* Fiscal Impact: The State Treasurer indicates this provision is expected to produce additional revenue or cost savings for the state. Requested by Office of State Treasurer.  
**HOU:** ADOPT new of proviso.

**76.14. (TREAS: Audit Finding Follow-Up)** The State Treasurer is directed and empowered to: a) follow-up on audit finding issued by the Legislative Audit Council, the Office of State Auditor, or any other independent audit involving the receipt or disbursement of state funds or achieving cost savings for the State or its agencies and institutions; b) conduct additional audits or take other actions to ensure proper receipt and disbursement of state funds in accordance with legislative intent; and c) contract for or conduct recovery audits designed to identify overpayments or erroneous payments to vendors. The State Treasurer may recover any amounts due the State agencies or institutions by seeking refunds, withholding future payments or distributions, or by whatever other actions the State Treasurer deems appropriate including appropriate legal action on behalf of the State. All entities disbursing or receiving state funds shall cooperate with the State Treasurer in these activities. The State Treasurer shall deposit any funds collected by this provision in a separate account to be appropriated by the General Assembly, unless otherwise provided for by law. The State Treasurer may retain and expend a portion of any funds received to pay for costs associated with the management and enforcement of this provision. The State Treasurer shall report annually to the General Assembly on its management activities and cost recoveries regarding this directive.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**76.14. (TREAS: Audit Finding Follow-Up) DELETED**

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

- 76.15** **ADD** (Zero-Based Budgeting) **SEN:** ADD new proviso to direct the State Treasurer to choose 3 budget areas of the General or Other funds budget and entertain proposals from any certified public accounting firm who may propose a zero-based budget analysis. Direct that the CPA firm must study the designated areas at the most fundamental level of experience and function and report possible savings, as well as any determinations of whether savings or efficiencies can be generated by any other method such as merger or eliminating positions to the Governor and the Senate Finance and House Ways and Means Committees. Direct that if the General Assembly adopts any of the recommendations within 2 years, the State Auditor shall determine the savings to the state generated by implementing the proposal and shall direct the State Treasurer to pay the CPA firm 10% of the savings realized. Sponsor: Sen. Thomas.

76.15. (TREAS: Zero-Based Budgeting) The State Treasurer shall choose three budget areas of the General or Other funds budget and shall entertain proposals from any certified public accounting firm who may propose a zero-based budget analysis. Zero-based analysis means the analysis by the CPA firm must study the designated areas at the most fundamental level of expenditure and function. The CPA analysis will report possible savings, as well as any determinations of whether savings or efficiencies can be generated by any other method such as merger or elimination of positions, to the Governor, Senate Finance Committee, and House Ways and Means Committee. If the legislature adopts any of the recommendations within two years, the State Auditor shall determine the savings to the state by implementation of the proposal and shall direct the State Treasurer to pay the CPA firm which performed the study and made the proposal ten percent of the savings realized due to the implementation of the proposal.

**SECTION 77 - E19 - RETIREMENT SYSTEM INVESTMENT COMMISSION**

- 77.1** **ADD** (Reporting Requirements) **SEN:** ADD new proviso to require the Retirement System Investment Commission to report quarterly to the General Assembly on the cost avoidance and savings realized by cost reduction initiatives that were implemented in the current fiscal year resulting from the additional expenditure authorization granted to the commission. Direct that the report include, but not be limited to, expenditures related to additional personnel hired, data processing, legal, and other professional services and the amount of cost reductions associated with the co-investment program, hedge fund platform transition, additional legal resources, and cash management program. Prohibit the increased authorization from being used to provide raises, but allow performance bonuses to be provided upon a majority vote of the State B&C Board. Sponsor: Sen. Setzler.

77.1. (RSIC: Reporting Requirements) Of the funds authorized in Section 77, Part IA of this Act, the Retirement System Investment Commission shall report to the General Assembly on a quarterly basis the cost avoidance and savings realized by the cost reduction initiatives implemented in the current fiscal year as a result of the additional expenditure authorization provided to the commission. The report shall include, but not be limited to, expenditures related to the additional investment and non-investment personnel hired; expenditures for data processing, legal, and other professional services; and the amount of cost reductions associated with the co-investment program, hedge fund platform transition, additional legal resources, and cash management program if such measures are implemented.

In addition, the increased expenditure authorization shall not be used to provide salary increases for existing employees. Performance bonuses may be provided upon approval of a majority vote of the State Budget and Control Board.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SECTION 78 - E24-ADJUTANT GENERAL'S OFFICE**

**78.12**    **AMEND FURTHER** (Citadel-S.C. National Guard Readiness Center) Directs the Adjutant General's Office, during FY 10-11, to repay to the General Fund \$1,250,000 of the \$2,500,000 appropriated for the Citadel-S.C. National Guard Readiness Center in proviso 73.12 of the FY 07-08 Appropriation Act. Directs that if the entire \$2.5 million has been repaid no further payment is required.

**WMC:** AMEND proviso to update Fiscal Year "2010-11" to "2011-12." Fiscal Impact: No impact on the General Fund if the entire \$2.5 million has been repaid, otherwise \$1.25 million is directed to be deposited into the General Fund.

**HOU:** ADOPT proviso as amended.

**78.12.** (ADJ: Citadel-S.C. National Guard Readiness Center) The Adjutant General's Office, during Fiscal Year ~~2010-11~~ 2011-12, shall repay to the General Fund of the State \$1,250,000 of the \$2,500,000 appropriated by proviso 73.12 of the Fiscal Year 2007-08 Appropriation Act to the Adjutant General's Office for the Citadel-South Carolina National Guard Readiness Center unless the entire \$2,500,000 loan has been repaid, in which case no further payment shall be required.

**SFC:** ADOPT proviso as amended.

**SEN:** AMEND FURTHER to require the Adjutant General's Office to repay \$300,000 plus interest during FY 11-12 and state the intent that the same amount, plus interest be repaid annually until the \$1,250,000 balance has been repaid to the General Fund. Sponsor: Sen. Leatherman.

**78.12.** (ADJ: Citadel-S.C. National Guard Readiness Center) The Adjutant General's Office, during Fiscal Year ~~2010-11~~ 2011-12, shall repay to the General Fund of the State ~~\$1,250,000~~ \$300,000, plus interest, of the \$2,500,000 appropriated by proviso 73.12 of the Fiscal Year 2007-08 Appropriation Act to the Adjutant General's Office for the Citadel-South Carolina National Guard Readiness Center ~~unless the entire \$2,500,000 loan has been repaid, in which case no further payment shall be required.~~ It is the intent of the General Assembly that \$300,000, plus interest, shall be repaid annually until the \$1,250,000 balance has been repaid to the General Fund.

**SECTION 79 - E28-ELECTION COMMISSION**

**79.1**    **REINSERT** (County Registration Board and County Election Commission Compensation) Directs that \$1,500 for each County Registration Board Member & County Election Commissioner, not to exceed \$12,500 per county, be disbursed to the County Treasurer. Directs that any funds not used for compensation of these members be returned to the State Treasurer. Exempts these funds from mandated budget reductions and excludes these funds from the agency's base budget in calculating any across the board agency base reduction mandated by the B&C Board or the General Assembly.

**WMC:** DELETE proviso. *Funding was vetoed by the Governor for FY 10-11, thus no funds are appropriated for this purpose.* Fiscal Impact: No impact on the General Fund. Requested by Election Commission.

**HOU:** ADOPT deletion of proviso.

**79.1.** (ELECT: County Registration Board and County Election Commission Compensation) ~~The amounts appropriated in this section for "County Registration Board Members and County Election Commissioners," shall be disbursed annually to the County~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~Treasurer at the rate of \$1,500 for each member, not to exceed \$12,500 per county. The County Treasurer shall use these funds only for the compensation of County Registration Board Members and County Election Commissioners. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Budget and Control Board or the General Assembly, the amount of funds appropriated for compensation of County Registration Board Members and County Election Commissioners shall be excluded from the agency's base budget.~~

**SFC:** REINSERT proviso.

**SEN:** ADOPT original proviso.

**79.1.** (ELECT: County Registration Board and County Election Commission Compensation) The amounts appropriated in this section for "County Registration Board Members and County Election Commissioners," shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed \$12,500 per county. The County Treasurer shall use these funds only for the compensation of County Registration Board Members and County Election Commissioners. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Budget and Control Board or the General Assembly, the amount of funds appropriated for compensation of County Registration Board Members and County Election Commissioners shall be excluded from the agency's base budget.

**79.6 RESTORE ORIGINAL PROVISO** (Primary and General Election Carry Forward) Authorize filing fees paid by candidates filing to run in statewide or special primary elections to be retained, expended, and carried forward to conduct primary elections. Authorize Primary and General Election Accounts funds to be carried forward and expended for the same purpose. **WMC:** AMEND proviso to allow these funds to also be used to conduct the 2012 Presidential Preference Primary elections. Fiscal Impact: No impact on the General Fund. The agency indicates there remains approximately \$1.3 million in the General Election account and \$80,000 in the primary election account. **HOU:** ADOPT proviso as amended.

**79.6.** (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. *In addition, the aforementioned funds may also be utilized to conduct the 2012 Presidential Preference Primary elections.*

**SFC:** RESTORE original proviso.

**SEN:** ADOPT original proviso.

**79.6.** (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

expended for the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year.

**79.12 AMEND FURTHER** (~~Presidential Preference Primary and~~ Ballot Security Carry Forward) Authorizes the Election Commission to carry forward and use funds originally appropriated for conducting the Presidential Preference Primary elections and for Ballot Security to conduct the 2010 Statewide Primaries/Runoff.

**WMC:** AMEND proviso to delete reference to carrying forward Presidential Preference Primary elections funds (*funds have been expended*) and update Statewide Primaries Runoff from “2010” to “2012.” Fiscal Impact: No impact on the General Fund. The agency indicates approximately \$284,000 Ballot Security funding is available to be carried forward. Requested by Election Commission. AMEND FURTHER to authorize the Ballot Security funds carried forward to also be used to conduct the 2012 Presidential Preference Primary elections.

**HOU:** ADOPT proviso as amended.

**79.12.** (ELECT: Presidential Preference Primary and Ballot Security) The State Election Commission is authorized to carry forward and use funds originally appropriated ~~for conducting the Presidential Preference Primary elections and~~ for Ballot Security to conduct the 2012 Presidential Preference Primary elections and the 2010 2012 Statewide Primaries/Runoff.

**SFC:** AMEND FURTHER to delete reference to 2012 Presidential Preference Primary elections. Authorize unexpended Ballot Security funds to be carried forward and used for the “same purpose” or to conduct the 2012 Statewide Primaries/Runoff.

**SEN:** ADOPT deletion of proviso.

**79.12.** (ELECT: ~~Presidential Preference Primary and~~ Ballot Security Carry Forward) The State Election Commission is authorized to carry forward ~~and use funds originally appropriated for conducting the Presidential Preference Primary elections and for~~ unexpended Ballot Security funds from the prior fiscal year into the current fiscal year, to be expended for the same purpose or to conduct the ~~2010~~ 2012 Statewide Primaries/Runoff.

**79.14 ADD** (Presidential Preference Primary Contract) **SFC:** ADD new proviso to authorize the Election Commission to contract with a certified political party’s state committee to conduct the 2012 Presidential Preference Primaries if the party’s candidate received at least 5% of the popular vote in the state’s most recent election for President. Require the Election Commission to bill each political party for expenses associated with conducting the primary. Require the commission to conduct the primary in accordance with the provisions of Title 7 and direct that the registered elector may vote only in one presidential preference primary. Direct the commission and authorities responsible for conducting the elections in each county to provide for cost-effective measures in conducting these primaries including, but not limited to, combining polling places; and require the party’s state committee to set the election date and filing requirements, including a certification fee. Require political parties to verify candidates qualifications before certifying them to the Election Commission and require that written certification contain a statement that each certified candidate meets, or will meet by the time of the election, the qualifications in the U.S. Constitution, statutory law, and party rules to participate in the presidential preference primary; prohibit certification of candidates who do not meet this criteria and prohibit their name from being place on the ballot. Authorize political parties to charge a certification fee to persons seeking to be candidates in the presidential preference primary. Require a filing fee for each certified candidate, not to exceed \$20,000, as

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

determined by the Election Commission, to be transmitted by the respective political party to the Election Commission to be used to conduct the presidential preference primaries.

**SEN:** ADOPT new proviso.

79.14. (ELEC: Presidential Preference Primary Contract) The State Election Commission is authorized to enter into a contract with the state committee of a certified political party for the purpose of conducting the 2012 Presidential Preference Primaries. The political party's candidate for President must have received at least five percent of the popular vote in South Carolina during the most recent election for President. The State Election Commission must bill each political party for expenses associated with conducting the presidential preference primary. The State Election Commission must conduct the presidential preference primary in accordance with the provisions of Title 7 of the 1976 Code and party rules, provided that a registered elector may cast a ballot in only one presidential preference primary. However, notwithstanding any other provision of Title 7, (a) the State Election Commission and the authorities responsible for conducting the elections in each county shall provide for cost-effective measures in conducting the presidential preference primaries including, but not limited to, combining polling places, while ensuring that voters have adequate notice and access to the polling places; and (b) the state committee of the party shall set the date and the filing requirements, including a certification fee. Political parties must verify the qualifications of candidates prior to certifying to the State Election Commission the names of candidates to be placed on primary ballots. The written certification required by this section must contain a statement that each certified candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications in the United States Constitution, statutory law, and party rules to participate in the presidential preference primary for which he has filed. Political parties must not certify any candidate who does not or will not by the time of the general election meet the qualifications in the United States Constitution, statutory law, and party rules for the presidential preference primary for which the candidate desires to file, and such candidate's name must not be placed on a primary ballot. Political parties may charge a certification fee to persons seeking to be candidates in the presidential preference primary for the political party. A filing fee not to exceed twenty thousand dollars, as determined by the State Election Commission, for each candidate certified by a political party must be transmitted by the respective political party to the State Election Commission and must be used for conducting the presidential preference primaries.

**SECTION 80A - F03 - BUDGET AND CONTROL BOARD**

**80A.4 RESTORE ORIGINAL PROVISO** (Wireless Communications Tower) Directs the B&C Board to coordinate tower and antenna operations within state government to maximize the use of wireless communications infrastructure and to support a statewide public safety communication system. Directs that all revenue from tower and antenna leases and contracts after July 1, 2001 must be remitted to a separate fund to create and support a statewide public safety communication system and authorize these funds to be carried forward and used for the same purpose. Authorizes agencies owning tower and antenna assets be allowed to recover expenses associated with implementing this provision. Directs the board to annually report by October 1<sup>st</sup> to the Chairmen of the Senate Finance and House Ways and Means Committees all revenues collected and disbursed.

**WMC:** AMEND proviso to direct that these funds be transferred to ETV which shall retain, expend, and carry for the funds for agency operations.

**HOU:** ADOPT proviso as amended.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**80A.4.** (BCB: Wireless Communications Tower) The Budget and Control Board is directed to coordinate tower and antenna operations within South Carolina state government. The Board shall (1) approve all leases regarding antenna placement on state owned towers and buildings, (2) coordinate all new tower construction on state owned property, (3) promote and market excess capacity on the State's wireless communications infrastructure, (4) generate revenue by leasing, licensing, or selling excess capacity on the State's wireless communications infrastructure, and (5) construct new communications assets on appropriate state owned property for the purpose of generating revenue pursuant to this proviso. All revenue from tower and antenna leases and contracts after July 1, 2001 must be remitted to a separate fund established by the Board ~~to create and support a statewide public safety communications system and shall be transferred to the Educational Television Commission which shall retain and expend such funds for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year. These funds shall be retained and carried forward and used for the same purpose.~~ Agencies owning tower and antenna assets will be allowed to recover expenses associated with implementing this proviso from this fund. The Board shall annually report to the Chairmen of the Senate Finance and House Ways and Means Committees by October first of each year all revenue collected and disbursed. This report shall also include a summary of each agency's overall revenues, whether retained by the agency or remitted to the separate fund.

**SFC:** ADOPT proviso as amended.

**SEN:** RESTORE original proviso. Sponsor: Sen. Sheheen.

**80A.4.** (BCB: Wireless Communications Tower) The Budget and Control Board is directed to coordinate tower and antenna operations within South Carolina state government. The Board shall (1) approve all leases regarding antenna placement on state owned towers and buildings, (2) coordinate all new tower construction on state owned property, (3) promote and market excess capacity on the State's wireless communications infrastructure, (4) generate revenue by leasing, licensing, or selling excess capacity on the State's wireless communications infrastructure, and (5) construct new communications assets on appropriate state owned property for the purpose of generating revenue pursuant to this proviso. All revenue from tower and antenna leases and contracts after July 1, 2001 must be remitted to a separate fund established by the Board to create and support a statewide public safety communications system. These funds shall be retained and carried forward and used for the same purpose. Agencies owning tower and antenna assets will be allowed to recover expenses associated with implementing this proviso from this fund. The Board shall annually report to the Chairmen of the Senate Finance and House Ways and Means Committees by October first of each year all revenue collected and disbursed. This report shall also include a summary of each agency's overall revenues, whether retained by the agency or remitted to the separate fund.

**80A.22 DELETE** (South Carolina 911 Advisory Committee) Re-establishes the CMRS Emergency Telephone Advisory Committee as the S.C. 911 Advisory Committee to advise the B&C Board on 911 matters and revises membership of Committee.

**SFC:** DELETE proviso. *Codified in Section 23-47-65.*

**SEN:** ADOPT deletion of proviso.

**80A.22.** (BCB: South Carolina 911 Advisory Committee) ~~The CMRS Emergency Telephone Advisory Committee established pursuant to Section 23-47-65 of the 1976 Code and which terminated after August 1, 2004, is reestablished for the current fiscal year as it was established in Section 23-47-65. The powers of that committee are devolved on the reestablished committee and the committee shall advise the Budget and Control Board on 911~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~matters. However, this reestablished committee is renamed the South Carolina 911 Advisory Committee and the ex officio membership of the State Auditor is replaced by a Budget and Control Board Division Director appointed by the Governor, who shall serve ex officio. The Director of the Office of Research and Statistics shall serve in lieu of the Director of the Budget and Control Board, Division of State Information Technology. Also, the member who is an employee of a telephone service supplier must be an employee of a local exchange access facility service supplier licensed to do business in this State.~~

**80A.23 REINSERT/AMEND** (Base Closure Carry Forward) Authorizes Base Closure Fund appropriations to be carried forward and used for the same purpose.

**WMC:** DELETE proviso.

**HOU:** ADOPT deletion of proviso.

~~**80A.23.** (BCB: Base Closure Carry Forward) Funds appropriated to the Budget and Control Board for the Base Closure Fund shall be carried forward into the current fiscal year and shall be used for the same purpose.~~

**SFC:** REINSERT proviso and amend to authorize \$300,000 of Base Closure funds to be carried forward and used for Base Closure purposes.

**SEN:** ADOPT proviso as amended.

~~**80A.23.** (BCB: Base Closure Carry Forward) Funds *Of the funds* appropriated to the Budget and Control Board for the Base Closure Fund, \$300,000 shall be carried forward into the current fiscal year and shall be used for the same purpose.~~

**80A.28 DELETE/MOVE** (SCHIDS) Creates the S.C. Health Integrated Data Services (SCHIDS) program within the B&C Board, Office of Research and Statistics to distribute data about the prevalence, treatment, and cost of disease from the S.C. Health and Human Services Data Warehouse and particularly the Medicaid System. Direct that the purpose of the program is to educate communities around the state about improving health and wellness through lifestyle changes. Direct state agencies and public universities that educate South Carolinians about improving health and wellness through public programs to communicate with the SCHIDS to improve collaboration and coordination and to possibly use SCHIDS to assist in evaluating program outcomes. Direct Medicaid staff to coordinate with SCHIDS program staff to target Prevention Partnership Grant awards to communities that show a prevalence of chronic disease and/or a lack of access to care. Sponsor: Rep. Cooper. *Note: Moved to DHEC proviso 22.48. (proviso22.45 in HOU2 version).*

~~**80A.28.** (BCB: SCHIDS) There is created within the Budget and Control Board, Office of Research and Statistics, the South Carolina Health Integrated Data Services (SCHIDS) subprogram under the "Health and Demographic Statistics" program. The purpose of the subprogram is to disseminate data about prevalence, treatment and cost of disease from the South Carolina Health and Human Services Data Warehouse and in particular the Medicaid System in order to educate communities statewide about improving health and wellness through lifestyle changes.~~

~~All state agencies and public universities involved in educating South Carolinians through public programs to improve health and wellness shall communicate with the Office of Research and Statistics in order to improve collaboration and coordination and the possible use of SCHIDS to assist in the evaluation of program outcomes.~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~Medicaid staff shall coordinate with the SCHIDS program staff to target Prevention Partnership Grant awards to those communities demonstrating a prevalence of chronic disease and/or lack of access to care.~~

- 80A.31 DELETE** (Insurance Contracts Bid Process) Authorizes the Insurance Reserve Fund (IRF) to use a competitive process for reinsurance coverage for property insurance written by the IRF. Directs that the process for this procurement be governed by rules established by the IRF and not by the Procurement Code. Requires bids be presented at a B&C Board meeting for review and that the board make their decision by the next board meeting.

**SEN:** DELETE proviso. *Ruled Out of Order.*

~~**80A.31.** (BCB: Insurance Contracts Bid Process) The Insurance Reserve Fund may utilize a competitive process to obtain reinsurance coverage with respect to property insurance written by the Insurance Reserve Fund in the State of South Carolina. The competitive process under this proviso shall be governed exclusively by rules established by the Insurance Reserve Fund for this procurement and shall not be governed by the Consolidated Procurement Code. The Budget and Control Board can comply with the provision by utilizing a competitive process to obtain a broker to provide reinsurance coverage. Bids shall be presented at a meeting of the Budget and Control Board for review and the Board shall make their decision on those bids by their next board meeting.~~

- 80A.35 DELETE** (SCEIS Flexibility) Directs that in addition to the flexibility in proviso 89.80, the B&C Board Executive Director shall transfer and use funds from any other agency accounts to maintain critical development of infrastructure assets for statewide SCEIS implementation until the General Assembly appropriates further funding.

**WMC:** AMEND proviso to change reference from “89.80” to “89.140;” direct the board to transfer and use at least \$6,812,478; and prohibit the board from using their “Trust and Agency Funds” as defined by the Comptroller General’s Statewide Accounting System, Subfund 3482, Rural Infrastructure Bank Trust Fund, and Subfund 4846, Tobacco Settlement Local Government Fund for this purpose. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

~~**80A.35.** (BCB: SCEIS Flexibility) In addition to the flexibility authorized in provision 89.80 (GP: Flexibility), the Executive Director of the Budget and Control Board is directed to transfer and utilize a minimum of \$6,812,478 of funds from any other accounts within the agency in an effort to maintain critical development of infrastructure assets of the statewide SCEIS implementation until further funding is appropriated by the General Assembly, except that funds from “Trust and Agency Funds” as defined by the Office of the Comptroller General in the Statewide Accounting System; Subfund 3482, Rural Infrastructure Bank Trust Fund; and Subfund 4846, Tobacco Settlement Local Government Fund shall not be utilized for this purpose.~~

**SFC:** AMEND FURTHER to delete the restriction from using “Trust and Agency Funds” and Subfunds 3482 and 4846.

**SEN:** DELETE proviso. *Ruled Out of Order.*

~~**80A.35.** (BCB: SCEIS Flexibility) In addition to the flexibility authorized in provision 89.80 (GP: Flexibility), the Executive Director of the Budget and Control Board is directed to transfer and utilize funds from any other accounts within the agency in an effort to maintain critical development of infrastructure assets of the statewide SCEIS implementation until further funding is appropriated by the General Assembly.~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

- 80A.41 ADD** (Agency Deficit Prohibition) **SEN:** ADD new proviso to prohibit state agencies and institutions from expending more funds than are appropriated in this act and suspend all provisions permitting an agency deficit to be recognized. Sponsors: Sen. Sheheen, McConnell, Shoopman, Malloy, and Massey.

*80A.41. (BCB: Agency Deficit Prohibition) Agencies, departments, and institutions of the State shall not make expenditures in excess of appropriations provided in this act. All provisions of law permitting an agency deficit to be recognized are suspended.*

- 80A.42 ADD** (Rural Infrastructure) **SEN:** ADD new proviso to direct the B&C Board Office of Local Government, or its successor to transfer all monies under its control to the S.C. Rural Infrastructure Fund authorized by Act 171 of 2010. Direct that all monies and balances from appropriations, carry forwards, earmarked and restricted accounts, or any other accounts under its control, except the State Infrastructure Revolving Loan Fund and federal matching monies, are to be transferred. Allow the Rural Infrastructure Authority, by a majority vote of the board, to hire a director for the authority so long as one of the gubernatorial appointees and three of the legislative appointees votes in favor of the hiring. Sponsor: Sen. Coleman.

*80A.42. (BCB: Rural Infrastructure) The Budget and Control Board, Office of Local Government, or its successor, shall transfer all monies under its control to the South Carolina Rural Infrastructure Fund, authorized by Act 171 of 2010. For purposes of this paragraph, the Budget and Control Board, Office of Local Government, or its successor, shall transfer all monies and balances from any appropriation, carry forward funds, earmarked and restricted accounts, or any other account under its control, except for the State Infrastructure Revolving Loan Fund and any federal monies and federal matching monies. The Rural Infrastructure Authority, created pursuant to Act 171 of 2010, by a majority vote of the board may hire a director for the authority, so long as one of the gubernatorial appointees and three of the legislative appointees votes in favor of the hiring.*

- 80A.43 ADD** (Agency Deficit Prohibition) **SEN:** ADD new proviso to suspend all provisions that permit an agency deficit to be recognized. Sponsors: Sen. Sheheen, McConnell, Shoopman, Malloy, and Massey.

*80A.43. (BCB: Agency Deficit Prohibition) All provisions of law permitting an agency deficit to be recognized are suspended.*

- 80A.44 ADD** (Additional Tort Liability Insurance Coverage Authorized) **HOU2:** ADD new proviso to authorize the B&C Board, Office of Insurance Services to offer tort liability insurance coverage during FY 11-12 to an aging entity and its employees that serve clients countywide which had previous obtained tort liability insurance coverage through the board. Sponsor: Rep. Cooper. *Note: Proviso 80A.41 in HOU2 version.*

*80A.44. (BCB: Additional Tort Liability Insurance Coverage Authorized) The State Budget and Control Board, through the Office of Insurance Services, for Fiscal Year 2011-12, is also authorized to offer tort liability insurance coverage to an aging entity and its employees serving clients countywide which previously obtained its tort liability insurance coverage through the board.*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SECTION 81 - R44-DEPARTMENT OF REVENUE**

- 81.9 DELETE** (Bingo Licenses) Suspends the provisions of Section 12-21-3940(D) [LICENSE TO CONDUCT BINGO; A LICENSE MUST NOT BE ISSUED FOR CONDUCTING A GAME OF BINGO AT AN ESTABLISHMENT HOLDING A LICENSE PURSUANT TO THE PROVISIONS OF SECTION 61-6-1820 [ALCOHOLIC BEVERAGE BIENNIAL LICENSE]] for the current fiscal year.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

~~**81.9.** (DOR: Bingo Licenses) The provisions of Section 12-21-3940(D) of the 1976 Code are suspended for the current fiscal year.~~

- 81.10 DELETE NEW PROVISO** (Airline Property Tax Report) **WMC:** ADD new proviso to direct the Department of Revenue to submit a report to the Chairmen of the Senate Finance and House Ways and Means Committees by January 10, 2012, that provides the methodology used to determine the property tax collected on aircraft under Title 12, Chapter 37, Article 19 [ASSESSMENT OF PROPERTY TAXES: AIRCRAFT]. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

~~**81.10.** (DOR: Airline Property Tax) *From the fund appropriated to and/or authorized for the Department of Revenue, the department shall report on the methodology used to determine the property tax collected on aircraft under Title 12, Chapter 37, Article 19 of the 1976 Code. The department shall submit the report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 10, 2012.*~~

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

~~**81.10.** (DOR: Airline Property Tax Report) **DELETED**~~

**SECTION 82 - R52 - STATE ETHICS COMMISSION**

- 82.3 DELETE NEW PROVISO** (Confidentiality) **WMC:** ADD new proviso to preclude the State Ethics Commission staff from making any public comment which reflects a personal opinion about any matter which is before or which is pending action before the commission or the commission staff. Direct that this provision does not abridge the commission's responsibilities pursuant to the Freedom of Information Act, Section 30-4-10, et. seq. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

~~**82.3.** (ETHICS: Confidentiality) *The State Ethics Commission staff shall be precluded from making any public comment which in any way reflects a personal opinion about any matter which is before or which is pending action before the commission or the commission staff. Nothing in this provision shall abridge the commission's responsibilities pursuant to the Freedom of Information Act, Section 30-4-10, et. seq. of the 1976 Code.*~~

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

~~**82.3.** (ETHICS: Confidentiality) **DELETED**~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SECTION 83 - S60-PROCUREMENT REVIEW PANEL**

**83.1 REINSERT** (Filing Fee) Authorizes the Procurement Review Panel to charge a \$250 filing fee to the party requesting an administrative review under Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410(4) of the S.C. Code of Laws. Directs the agency to retain the funds generated by the filing fee and to use such fees for agency operations. Requires forfeiture of the filing fee when an appeal is withdrawn. Allows for waiver of the fee in case of hardship.

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

~~**83.1.** (PRP: Filing Fee) Requests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410. The funds generated by the filing fee shall be retained by the panel and carried forward to be used for the operation of the panel. Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived.~~

**SFC:** REINSERT proviso.

**SEN:** ADOPT original proviso.

**83.1.** (PRP: Filing Fee) Requests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410. The funds generated by the filing fee shall be retained by the panel and carried forward to be used for the operation of the panel. Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived.

**SECTION 86 - X22 - AID TO SUBDIVISIONS, STATE TREASURER**

**86.2 AMEND** (Local Government Flexibility) Directs that for FY 10-11, counties may transfer funds among appropriated state revenues as needed to ensure delivery of services.

**WMC:** AMEND proviso to change Fiscal Year “2010-11” to “2011-12.” Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**86.2.** (AS-TREAS: Local Government Flexibility) Fiscal Year ~~2010-11~~ 2011-12, counties of this State may transfer funds among appropriated state revenues as needed to ensure the delivery of services.

**SFC:** ADOPT proviso as amended.

**SEN:** AMEND proviso to specify that counties may transfer funds “not statutorily restricted for a specific use.” Sponsor: Sen. McConnell.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**86.2.** (AS-TREAS: Local Government Flexibility) Fiscal Year ~~2010-11~~ 2011-12, counties of this State may transfer funds not statutorily restricted for a specific use among appropriated state revenues as needed to ensure the delivery of services.

**86.5** **DELETE** (Property Tax Relief Reimbursement) Suspends the amount to be deducted from state individual and corporate income tax revenues and credited to the Property Tax Relief Fund to provide the reimbursement required by Section 12-37-251 [HOMESTEAD EXEMPTION; CALCULATION OF ROLLBACK MILLAGE; ADJUSTMENTS TO ASSESSED VALUE] to the extent that the amount to be deducted would exceed the amount deducted in the prior fiscal year.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

**86.5.** (AS-TREAS: Property Tax Relief Reimbursement) ~~The amount to be deducted from state individual and corporate income tax revenues and credited to the Trust Fund for Tax Relief to fund the reimbursement required by Section 12-37-251, is suspended to the extent that the amount to be deducted would exceed the amount deducted in the prior fiscal year.~~

**86.7** **REINSERT/AMEND** (LGF) Suspends Sections 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] and 6-27-50 [RESTRICTIONS ON AMENDMENT OR REPEAL OF CHAPTER] for the current fiscal year.  
**WMC:** DELETE proviso.  
**HOU:** ADOPT deletion of proviso.

**86.7.** (AS-TREAS: LGF) ~~For Fiscal Year 2010-11, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are suspended.~~

**SFC:** REINSERT proviso and AMEND to change “2010-11” to “2011-12.”  
**SEN:** ADOPT proviso as amended.

**86.7.** (AS-TREAS: LGF) For Fiscal Year ~~2010-11~~ 2011-12, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are suspended.

**86.9** **DELETE NEW PROVISO** (Equivalent Millage and Local Government Fund Reduction)  
**WMC:** ADD new proviso to direct that if a municipality’s boundaries extend into more than one county and those counties implement required countywide appraisal and equalization programs on different schedules, the municipality’s governing body shall set an equivalent millage to be used to compute municipal ad valorem property taxes. Direct that the equivalent millage be determined by a methodology established by the respective county auditors consistent with the methodology for calculating equivalent millage established by DOR for use in such situations. Direct that the purpose of this provision is to equalize the tax burdens within the municipality. Direct that if any municipality does not implement these provisions during the Fiscal Year 2011-12, it shall have its 2011-12 distribution from the Local Government Fund under the State Aid to Subdivisions Act reduced by an amount equal to what the State Treasurer, upon consultation with DOR, determines that taxpayers in the municipality collectively were overcharged in ad valorem property taxes by the municipality’s failure to implement these provisions during FY 2011-12. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**86.9.** (AS-TREAS: Equivalent Millage and Local Government Fund Reduction) (A) If the boundaries of a municipality extend into more than one county and those counties implement required countywide appraisal and equalization programs on different schedules,

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

then the governing body of the municipality shall set an equivalent millage to be used to compute municipal ad valorem property taxes. The equivalent millage to be set by the municipal governing body shall be determined by methodology established by the respective county auditors which shall be consistent with the methodology for calculating equivalent millage to be established by the Department of Revenue for use in such situations, the purpose of this provision being to equalize the tax burdens within the municipality.

(B) Any municipality which fails to implement the provisions of subsection (A) during the 2011-12 fiscal year shall have its 2011-12 distribution from the Local Government Fund under the State Aid to Subdivisions Act reduced by an amount equal to what the State Treasurer, upon consultation with the Department of Revenue, determines that taxpayers in the municipality collectively were overcharged in ad valorem property taxes by the municipality's failure to implement the provisions of subsection (A) during Fiscal Year 2011-12.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of proviso.

86.9. (AS-TREAS: Equivalent Millage and Local Government Fund Reduction)

**DELETED**

**86.10 AMEND NEW PROVISO** (Speed Camera Citations Restriction) **WMC:** ADD new proviso to prohibit a political subdivision from collecting any fines, fees or costs resulting from issuing uniform traffic citations or any other form of traffic citation that is based or has relied on camera assisted evidence. Direct that any municipality which fails to comply with this provision during the FY 2011-12 shall have its FY 2011-12 distribution from the Local Government Fund under the State Aid to Subdivisions Act reduced by an amount equal to the amount of fines, fees or costs collected by the political subdivision through issuing camera assisted traffic citations.

**HOU:** ADOPT new proviso.

86.10. (AS-TREAS: Speed Camera Restriction) No political subdivision of this state shall collect any fines, fees or costs which result from the issuance of uniform traffic citations or any other form of traffic citation that is based or has relied on camera assisted evidence.

Any municipality which fails to comply with this provision during the Fiscal Year 2011-12 shall have its Fiscal Year 2011-12 distribution from the Local Government Fund under the State Aid to Subdivisions Act reduced by an amount equal to the amount of fines, fees or costs collected by the political subdivision through the issuance of camera assisted traffic citations.

**SFC:** AMEND new proviso to require the governing body of a political subdivision with jurisdiction over a law enforcement agency that issues traffic citations by mail or any means other than an officer directly giving the citation to the offender to report to the State Treasurer by July 1 that the law enforcement agency issues citations in this manner. Require the political subdivision that has given the required notice, within 10 days of receiving a Local Government Fund distribution, to remit to the State Treasurer an amount equivalent to the distribution. Direct that the political subdivision is relieved from this remittance if the governing body certifies to the Treasurer that they have prohibited the law enforcement agency from issuing citations in this manner. Direct the State Treasurer, if it is found that a political subdivision has issued citations in this manner and has not given the required notice, to notify the subdivision that it must remit within 10 days an amount equal to two times the Local Government Fund distribution to the subdivision during the fiscal year. Require the State Treasurer to withhold future distributions from any source if the political subdivision is delinquent in remitting the payment.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SEN:** ADOPT new proviso as amended.

**86.10.** (AS-TREAS: Speed Camera Citations Restriction) The governing body of any political subdivision with jurisdiction over a law enforcement agency that issues uniform traffic citations for traffic violations by the United States mail, a parcel delivery service, electronic means, or by any means other than a law enforcement officer directly giving the uniform traffic citation to the offender incident to and contemporaneous with a traffic stop for the offense or within one hour as provided by Section 56-5-70(E) of the 1976 Code, must report to the State Treasurer by July 1, 2011 that the law enforcement agency issues uniform traffic citations in this manner. Upon receiving a distribution from the Local Government Aid to Subdivisions fund, a political subdivision that has given the required notice must remit an amount equivalent to the distribution to the State Treasurer within ten days. A political subdivision may be relieved of any further requirement to remit the amount required by this provision when the governing body certifies to the State Treasurer that the governing body has prohibited the applicable law enforcement agency from issuing any further uniform traffic citations in the manner implicated by this provision. If the State Treasurer determines that a political subdivision has issued uniform traffic citations in a manner implicated by this provision and has not given the notice required by this provision, the State Treasurer shall notify the political subdivision that it must remit an amount equal to two times the amount of Local Government Aid to Subdivision funds already received by the political subdivision during the current fiscal year. Upon receipt of this notice, the political subdivision shall remit the required amount within ten days. If a political subdivision is delinquent on any payment required by this provision, the State Treasurer shall utilize the authority granted by Section 11-9-75 of the 1976 Code to withhold any additional distributions from any source to the political subdivision.

**86.11 DELETE NEW PROVISO** (Agreed Upon Procedure) **HOU:** ADD new proviso to allow non-court cities with a budget that is less than \$300,000 to submit an Agreed Upon Procedure rather than a financial audit. Direct the Office of State Treasurer to develop the Agreed Upon Procedures criteria. Sponsor: Rep. Sellers.

**86.11.** (AS-TREAS: Agreed Upon Procedure) Non-court cities that have a budget less than \$300,000 may submit an Agreed Upon Procedure instead of a financial audit. The Office of State Treasurer shall develop the criteria for the Agreed Upon Procedures.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**86.11.** (AS-TREAS: Agreed Upon Procedure) **DELETED**

**86.12 ADD** (Transparency-Provision of Services to Political Subdivision) **SEN:** ADD new proviso to prohibit a political subdivision that receives aid from the Local Government Fund from appropriating money to any person who is not providing services to the subdivision without the requirement that the person provide, at the end of the fiscal year, a detailed description on how the money was used. Sponsor: Sen. S. Martin.

**86.12.** (AS-TREAS: Transparency-Provision of Services to Political Subdivision) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any person not providing services to the political subdivision without the requirement that the person provide a detailed description of the purposes for which the money was used at the end of the fiscal year.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**86.13** **ADD** (Transparency-Political Subdivision Appropriation of Funds ) **SEN:** ADD new proviso to direct that a political subdivision that receives aid from the Local Government Fund may not appropriate money to an entity unless the appropriation appears as a separate, distinct line in the subdivision's budget or in an amendment to their budget. Direct that the political subdivision may not donate funds to a non-profit, except in cases of emergency or unforeseen circumstances, unless the donated amounts appear as a separate, distinct line in the subdivision's budget or in an amendment to their budget that includes the name of the entity receiving the donation. Direct that the donation may be made in a case of emergency or unforeseen circumstance if the amount, purpose, and nature of the emergency or circumstance is announced in open session in a public meeting of the governing body and direct that the funds may not be delivered to the organization for 5 days after the intent to donate is announced. Prohibit a political subdivision that receives aid from the Local Government Fund from appropriating money to any entity without the requirement that the entity provide, at the end of the fiscal year, a detailed description on how the money was used. Sponsors: Sens. S. Martin, Hutto, Bryant, and Knotts.

*86.13. (AS-TREAS: Transparency-Political Subdivision Appropriation of Funds) (A) A political subdivision receiving aid from the Local Government Fund may not:*

*(1) appropriate money to any entity unless that appropriation appears as a separate and distinct line item in the political subdivision's budget or in an amendment to the political subdivision's budget; or*

*(2) except in cases of emergency or unforeseen circumstances, donate funds to a non-profit organization unless the amounts donated are appropriated on a separate and distinct line item in the political subdivision's budget or an amendment to the political subdivision's budget that includes the names of the entities to which the donations are being made. In the case of an emergency or unforeseen circumstances, a political subdivision may donate funds to a non-profit organization if the amount and purpose of the proposed donation and the nature of the emergency or unforeseen circumstances necessitating the donation are announced in open session at a public meeting held by the governing body of the political subdivision and the funds are not delivered to the organization for five days following the announced intent to make the donation.*

*(B) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any entity without the requirement that the entity provides at the end of the fiscal year a detailed description of the purposes for which the money was used.*

**86.14** **ADD** (Lawsuits) **SEN:** ADD new proviso to direct that if a political subdivision receives aid from the Local Government Fund and they file a lawsuit in federal court against the State, a state agency, department, institution, or other entity, a state officer, or another political subdivision, they must remit to the State Treasurer an amount equal to the distribution they receive from the Local Government Aid to Subdivisions within 10 days of receiving a distribution. Sponsor: Sen. Grooms.

*86.14. (AS-TREAS: Lawsuits) A political subdivision receiving aid from the Local Government Fund that files a lawsuit in federal court against the State, a state agency, department, institution, or other entity, a state officer, or another political subdivision must remit to the State Treasurer an amount equivalent to each distribution the political subdivision receives from the Local Government Aid to Subdivisions within ten days of receiving a distribution.*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SECTION 89 - X90-GENERAL PROVISIONS**

**89.7 DELETE** (Federal Program Expenses, Lag Time) Authorizes DHEC, DMH, DDSN, DSS, DHHS, Division on Aging, Division of Foster Care, Department of Corrections, and DJJ, after July 1<sup>st</sup>, to expend current year state funds to cover prior fiscal year 4<sup>th</sup> quarter federal program expenses due to the time lag of federal reimbursement.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

~~**89.7.** (GP: Federal Program Expenses, Lag Time) After July first, of the current fiscal year, the Department of Health and Environmental Control, Department of Mental Health, Department of Disabilities and Special Needs, Department of Social Services, Department of Health and Human Services, Division on Aging, Division of Foster Care, Department of Corrections, and Department of Juvenile Justice may expend if necessary, state appropriated funds for the current fiscal year to cover fourth quarter federal programs expenses incurred in the prior fiscal year necessitated by the time lag of federal reimbursement.~~

**89.17 AMEND** (Allowance for Residences & Compensation Restrictions) Authorizes specific positions to occupy agency-owned residences without charge.  
**SFC:** AMEND proviso to delete the authorization for the Commissioner of the Department of Corrections and the Farm Director, Farm Managers, and Specialists employed at the Walden Correctional Institution, MacDougall Youth Correctional Center, and Givens Youth Correctional Center to be permitted to occupy department-owned residences without charge.  
**SEN:** ADOPT proviso as amended.

**89.17.** (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor for department-owned housing used for recruitment and training of Mental Health Professionals, nor to guards at any of the state's penal institutions and nurses and attendants at the Department of Mental Health, and the Department of Disabilities and Special Needs, and registered nurses providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and Mathematics who are required to stay on campus by the institution because of job requirements or program participation. The presidents of those state institutions of higher learning authorized to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount to be approved by the Budget and Control Board.

That the following may be permitted to occupy residences owned by the respective departments without charge: ~~the Commissioner of the Department of Corrections, the Director of the Department of Mental Health; the Farm Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution, Walden Correctional Institution, MacDougall Youth Correctional Center, and Givens Youth Correctional Center;~~ the S. C. State Commission of Forestry fire tower operators, forestry aides, and caretaker at central

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

headquarters; the Department of Natural Resources' Game Management Personnel, Fish Hatchery Superintendents, Lake Superintendent, and Fort Johnson Superintendent; the Department of Parks, Recreation and Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the School for the Deaf and the Blind; houseparents for the Commission for the Blind; S.C. Department of Health and Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; Clemson University's Head Football Coach; the Department of Disabilities and Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and Housing Area Coordinators; and University of South Carolina's Manager of Bell Camp Facility, Housing Maintenance Night Supervisors, Residence Life Directors, temporary and transition employees, and emergency medical personnel; TriCounty Technical College's Bridge to Clemson Resident and Area Directors. Except in the case of elected officials, the fair market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head Salary Commission, and the Division of Budget and Analyses by October first, of each fiscal year.

All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved by the Budget and Control Board, applicable to all personnel of the State Government whose compensation is not specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is drawn. The Division of Budget and Analyses of the Budget and Control Board is authorized to approve temporary salary adjustments for classified and unclassified employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the plan may be excluded therefrom but their compensations as approved by the Division of Budget and Analyses shall, nevertheless, be subject to review by the Budget and Control Board. Salary appropriations for employees fixed in this act shall be in full for all services rendered, and no supplements from other sources shall be permitted or approved by the Budget and Control Board. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. Commuter mileage on non-exempt state vehicles shall be considered as income and reported by the Comptroller General in accordance with IRS regulations. As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section, monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the South Carolina Division of Budget and Analyses.

In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging provided by the educational

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

institution which is comparable to the qualified campus lodging provided to the employee, over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than one year, at any time during the calendar year in which the period begins.

- 89.25**    **AMEND FURTHER** (State Owned Aircraft - Maintenance Logs) Provides flight log and aircraft usage guidelines for agencies that have one or more aircraft.  
**WMC:** AMEND proviso to change “Division of State Development” to “Department of Commerce” and change Section “8-13-410(1)” to “8-13-700(A).” *Reflect correct code cite.*  
Fiscal Impact: No impact on the General Fund.  
**HOU:** AMEND proviso to require that flight logs be posted on the website in real time.  
Sponsor: Rep. Simrill.

**89.25.** (GP: State Owned Aircraft - Maintenance Logs) Each agency having in its custody one or more aircraft shall maintain a continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor, Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees for official business only; no member of the General Assembly, no member of a state board, commission, or committee, and no state official shall use any aircraft of the Division of Aeronautics unless the member or official files within forty-eight hours after the time of departure of the flight with the Division of Aeronautics a sworn statement certifying and describing the official nature of his trip; and no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished air transportation by a state agency other than the Division of Aeronautics unless such agency prepares and maintains in its files a sworn statement from the highest ranking official of the agency certifying that the member’s or state official’s trip was in conjunction with the official business of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee meetings for which mileage is authorized.

All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of SLED or the ~~Division of State Development~~ *Department of Commerce* whose confidentiality must, in the opinion of SLED or the ~~division~~ *department*, be protected shall be listed in writing on the flight log as “Confidential Passenger SLED or the ~~Division of State Development~~ *Department of Commerce* (strike one)” and the appropriate official of SLED or the ~~division~~ *department* shall certify to the agency operating the aircraft the necessity for such confidentiality. *The South Carolina Aeronautics Commission shall post its flight logs on its website in real time.*

Violation of the above provisions of this section is prima facie evidence of a violation of Section ~~8-13-410(1)~~ *8-13-700(A)* of the 1976 Code and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as provided by law. The above provisions do not apply to aircraft of the Division of Aeronautics when used by the Medical University of South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher education, nor to law enforcement officers when flying on state owned aircraft in pursuit of fugitives, missing persons, or felons or for investigation of gang, drug, or other violent crimes.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

**SFC:** AMEND FURTHER to delete the requirement that the flight log be posted in “real-time” and instead direct that the log be posted “within one working day of the completion of the trip.”

**SEN:** AMEND FURTHER to direct that official business also does not include attending a press conference, bill signing, or political function. Sponsors: Sen. McConnell, Knotts, Sheheen.

**89.25.** (GP: State Owned Aircraft - Maintenance Logs) Each agency having in its custody one or more aircraft shall maintain a continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor, Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees for official business only; no member of the General Assembly, no member of a state board, commission, or committee, and no state official shall use any aircraft of the Division of Aeronautics unless the member or official files within forty-eight hours after the time of departure of the flight with the Division of Aeronautics a sworn statement certifying and describing the official nature of his trip; and no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished air transportation by a state agency other than the Division of Aeronautics unless such agency prepares and maintains in its files a sworn statement from the highest ranking official of the agency certifying that the member’s or state official’s trip was in conjunction with the official business of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee meetings for which mileage is authorized. Official business also does not include attending a press conference, bill signing, or political function.

All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of SLED or the ~~Division of State Development~~ Department of Commerce whose confidentiality must, in the opinion of SLED or the ~~division~~ department, be protected shall be listed in writing on the flight log as “Confidential Passenger SLED or the ~~Division of State Development~~ Department of Commerce (strike one)” and the appropriate official of SLED or the ~~division~~ department shall certify to the agency operating the aircraft the necessity for such confidentiality. The Division of Aeronautics shall post its flight logs on its website within one working day of completion of trips.

Violation of the above provisions of this section is prima facie evidence of a violation of Section ~~8-13-410(4)~~ 8-13-700(A) of the 1976 Code and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as provided by law. The above provisions do not apply to aircraft of the Division of Aeronautics when used by the Medical University of South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher education, nor to law enforcement officers when flying on state owned aircraft in pursuit of fugitives, missing persons, or felons or for investigation of gang, drug, or other violent crimes.

Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**89.38 REINSERT** (Menu Option Telephone Answering Devices) Prohibit state agencies from expending funds for any type of menu option telephone answering device unless the system provides for access to an actual person. Direct that this requirement applies from 8:30 am until 5:00 pm Monday through Friday, excluding holidays.

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

~~**89.38.** (GP: Menu Option Telephone Answering Devices) From the funds appropriated to state agencies, state agencies and their departments shall not expend funds for any type of menu option telephone answering device, unless the menu option system provides the caller with access to a nonelectronic attendant or automatically transfers the caller to a nonelectronic attendant. This requirement applies during the hours of 8:30 AM until 5:00 PM, Monday through Friday, excluding holidays. This requirement does not apply to integrated voice response systems that are specifically designed to exclude human interaction. No additional personnel may be hired to implement the requirements of this provision.~~

**SFC:** REINSERT proviso.

**SEN:** ADOPT original proviso.

**89.38.** (GP: Menu Option Telephone Answering Devices) From the funds appropriated to state agencies, state agencies and their departments shall not expend funds for any type of menu option telephone answering device, unless the menu option system provides the caller with access to a nonelectronic attendant or automatically transfers the caller to a nonelectronic attendant. This requirement applies during the hours of 8:30 AM until 5:00 PM, Monday through Friday, excluding holidays. This requirement does not apply to integrated voice response systems that are specifically designed to exclude human interaction. No additional personnel may be hired to implement the requirements of this provision.

**89.51 AMEND** (Sole Source Procurements) Requires the B&C Board to evaluate and determine that written determinations, explanations, and basis for sole source procurements, and emergency procurements are legitimate and valid reasons for awarding non-competitive contracts.

**SEN** AMEND proviso to direct the B&C Board to evaluate and determine “whether” reasons are legitimate and valid. Sponsor: Sen. McConnell.

**89.51.** (GP: Sole Source Procurements) The Budget and Control Board shall evaluate and determine ~~that~~ *whether* the written determinations, explanations, and basis for sole source procurements, pursuant to S.C. Code Section 11-35-1560, and emergency procurements, pursuant to S.C. Code Section 11-35-1570, are legitimate and valid reasons for awarding non-competitive contracts.

**89.54 REINSERT ORIGINAL PROVISO** (Constitutional Officer & Agency Head Voluntary Furlough) Authorizes constitutional officers and agency heads to take up to 36 days furlough in the current fiscal year while retaining all responsibilities and authority. Directs that funds saved may be retained by that agency and spent at the discretion of the constitutional officer. Directs that the constitutional officer or agency head is entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries; that required employer and employee contributions, including but not limited to contributions to the Retirement System or the optional retirement program, are the employer’s responsibility if coverage would otherwise be interrupted, and that benefits only requiring employee contributions are the responsibility of the constitutional officer or agency head.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**WMC:** AMEND proviso to change the number of voluntary furlough days a constitutional officer or agency head may take from 36 to 90. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.

**89.54.** (GP: Constitutional Officer & Agency Head Voluntary Furlough) All constitutional officers and agency heads may take up to ~~thirty-six~~ *ninety* days furlough in the current fiscal year. The officials will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the constitutional officer or agency head. During this furlough, the constitutional officer or agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the constitutional officer or agency head remains solely responsible for making those contributions.

**SFC:** REINSERT original proviso.  
**SEN:** ADOPT original proviso.

**89.54.** (GP: Constitutional Officer & Agency Head Voluntary Furlough) All constitutional officers and agency heads may take up to thirty-six days furlough in the current fiscal year. The officials will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the constitutional officer or agency head. During this furlough, the constitutional officer or agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the constitutional officer or agency head remains solely responsible for making those contributions.

**89.61** **AMEND FURTHER** (GP: Assessment Audit / Crime Victim Funds) Provides guidelines for the process the State Auditor is to follow regarding authorities that have not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds.

**WMC:** AMEND proviso to authorize the State Office of Victim Assistance to conduct an “audit” rather than just a “programmatic review” of any entity or non-profit organization that receives victim assistance funding based on referrals from the State Auditor or on specific complaints which they have received. Rather than require any entity or non-profit that receives funds from “victim assistance” being required to submit an expenditure budget for those funds to the State Office of Victim Assistance, any entity that receives funding as described in Sections 14-1-206(B)(D) [ADDITIONAL ASSESSMENT, GENERAL SESSIONS OR FAMILY COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], 14-1-207(B)(D) [ADDITIONAL ASSESSMENT, MAGISTRATE'S COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], 14-1-208(B)(D) [ADDITIONAL ASSESSMENT, MUNICIPAL COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], and 14-1-211(B) [SESSIONS COURT SURCHARGE; FUND RETENTION FOR CRIME VICTIM SERVICES; UNUSED FUNDS; REPORTS; AUDITS] must submit such a budget. Direct that failure to comply with this requirement will initiate a programmatic review and financial audit of the entity’s victim assistance expenditures and the entity’s name will be placed on the State Office of Victim Assistance website until they are in compliance. Require the entity pay the penalty in the amount of the unauthorized expenditure plus \$1,500 within 30 days of the notification that they are non-compliant. Direct

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

the State Office of Victim Assistance to notify the State Treasurer's Office if the penalty plus the \$1,500 is not paid within the 30 days. Direct the political subdivision to deduct the penalty amount from the entity's subsequent fiscal year's appropriation. Direct that funds withheld by the State Treasurer shall be deposited into the general fund.

**HOU:** ADOPT proviso as amended.

**89.61.** (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B)(D), 14-1-207(B)(D), 14-1-208(B)(D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Office of Victim Assistance. The State Office of Victim Assistance is authorized to conduct an audit which shall include a programmatic review on review and financial audit of any entity or non-profit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific nature received by the State Office of Victim Assistance to ensure that crime victim funds are expended in accordance with the law. Any local entity or non-profit organization ~~who~~ that receives funding ~~from victim assistance as described pursuant to Sections 14-1-206 (B)(D), 14-1-207 (B)(D), 14-1-208 (B)(D), and 14-1-211 (B)~~ is required to submit their budget for the expenditure of these funds to the State Office of Victim Assistance within thirty days of the ~~budget being approved by the local~~ budget's approval by the governing entity body of the local political subdivision or non-profit organization. Failure to comply with this provision shall cause the State Office of Victim Assistance to initiate a programmatic review and a financial audit of the entity's expenditures of victim assistance funds or non-profit organization. Additionally, the State Office of Victim Assistance will place the name of the non-compliant entity or non-profit organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. ~~In addition, any~~ Any entity or non-profit organization receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State Office of Victim Assistance. If the State Office of Victim Assistance finds an error, the entity or non-profit organization has ninety days to rectify the error. An error constitutes an entity or non-profit organization spending victim assistance funding on unauthorized items as determined by the Victim Services Coordinating Council. If the entity or non-profit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State Office of Victim Assistance shall assess and collect a penalty ~~of~~ in the amount of the unauthorized expenditure plus \$1,500 against the entity or non-profit organization for improper expenditures ~~in a fiscal year~~. This penalty plus \$1,500 must be paid within thirty days of the notification by the State Office of Victim Assistance to the entity or non-profit organization that they are in non-compliance with the provisions of this proviso. All penalties received by the State Office of Victim Assistance shall be credited to the General Fund of the State. If the penalty is not received by the State Office of Victim Assistance within ~~ninety~~ thirty days of the notification, ~~the political subdivision will deduct the amount of the penalty from the entity or non-profit organization's subsequent fiscal year appropriation~~ the State Office of Victim Assistance shall notify the State Treasurer's Office that the penalty plus \$1,500 has not been received within the appropriate time allowed. The political subdivision shall deduct the amount of the penalty from the entity's or non-profit's subsequent fiscal year's appropriation. Funds withheld by the State Treasurer shall be credited to the General Fund of the State.

**SFC:** AMEND FURTHER to direct the Victim Services Coordinating Council to develop guidelines for expenditure of these funds to ensure that an expenditure which meets Title 15 of Article 15 parameters is an allowable expense. Direct that State Office of Victims Assistance

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

rather than the Victim Services Coordinating Council determines whether funds have been spent on unauthorized items. Delete duplicative language. Requested by Victim Services Coordinating Council.

**SEN:** ADOPT proviso as amended.

**89.61.** (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B)(D), 14-1-207(B)(D), 14-1-208(B)(D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Office of Victim Assistance. The State Office of Victim Assistance is authorized to conduct an audit which shall include both a programmatic review ~~or a review and financial audit of~~ any entity or non-profit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific nature received by the State Office of Victim Assistance to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim Services Coordinating Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any expenditure which meets the parameters of Title 16, Article 15 is an allowable expenditure. Any local entity or non-profit organization ~~who~~ that receives funding from ~~victim assistance revenue generated from crime victim funds~~ is required to submit their budget for the expenditure of these funds to the State Office of Victim Assistance within thirty days of the ~~budget being approved by the local~~ budget's approval by the governing entity body of the entity or non-profit organization. Failure to comply with this provision shall cause the State Office of Victim Assistance to initiate a programmatic review and a financial audit of the entity's or non-profit organization's expenditures of victim assistance funds. Additionally, the State Office of Victim Assistance will place the name of the non-compliant entity or non-profit organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. ~~In addition, any~~ Any entity or non-profit organization receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State Office of Victim Assistance. If the State Office of Victim Assistance finds an error, the entity or non-profit organization has ninety days to rectify the error. An error constitutes an entity or non-profit organization spending victim assistance funding on unauthorized items as determined by the State Office of Victims Assistance. If the entity or non-profit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State Office of Victim Assistance shall assess and collect a penalty ~~of~~ in the amount of the unauthorized expenditure plus \$1,500 against the entity or non-profit organization for improper expenditures ~~in a fiscal year.~~ This penalty plus \$1,500 must be paid within thirty days of the notification by the State Office of Victim Assistance to the entity or non-profit organization that they are in non-compliance with the provisions of this proviso. All penalties received by the State Office of Victim Assistance shall be credited to the General Fund of the State. If the penalty is not received by the State Office of Victim Assistance within ~~ninety~~ thirty days of the notification, the political subdivision will deduct the amount of the penalty from the entity or non-profit organization's subsequent fiscal year appropriation.

**89.82** **AMEND** (Governor's Security Detail) Directs SLED, DPS, and DNR to provide a security detail to the Governor in a manner agreed to by the affected entities. Directs that reimbursement to SLED, DPS and DNR to offset the cost of providing the Governor's security detail be in an amount agreed to by the entities from the funds appropriated to the Governor's Office for this purpose.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SEN:** AMEND proviso to direct that law enforcement officers assigned to the Governor's security detail only perform security-related services and prohibit them from performing unrelated services. Sponsor: Sen. Knotts.

**89.82.** (GP: Governor's Security Detail) The State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources shall provide a security detail to the Governor in a manner agreed to by the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor. Reimbursement to the State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources to offset the cost of the security detail for the Governor shall be made in an amount agreed to by the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor from funds appropriated to the Office of Governor for this purpose. Law enforcement officers assigned to security detail for the Governor shall only perform services related to security and shall not provide any unrelated service during the assignment.

**89.84** **AMEND FURTHER** (Reduction in Force/Agency Head Furlough) Requires agency heads to take five furlough days if their agency implements a reduction in force. Directs that the agency head retains all responsibilities and authority during the furlough.

**HOU2:** ADOPT Senate changes and AMEND FURTHER to direct that an agency head shall not have to take this mandatory furlough based solely on RIFs resulting from federal budget cuts. Sponsor: Rep. Cooper.

**89.84.** (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or institution *of higher learning*, the agency head shall be required to take five days furlough in the current fiscal year. If more than one reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan. The agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the agency head remains solely responsible for making those contributions.

Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act. In the event the reduction for the state agency or institution *of higher learning* is due solely to the General Assembly transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The Budget and Control Board, Office of Human Resources shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board.

For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the 1976 Code.

The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory furlough based solely on the implementation of a reduction in force plan by a technical college.

An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result of federal budget cuts.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SFC:** AMEND proviso to direct that for purposes of this provision the definition of an agency head includes the president of a technical college as defined in Section 59-103-5 [DEFINITIONS]. Direct that the State Board for Technical and Comprehensive Education agency head shall not be required to take this mandatory five day furlough if a technical college implements a reduction in force plan.

**SEN:** ADOPT proviso as amended.

**89.84.** (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or institution *of higher learning*, the agency head shall be required to take five days furlough in the current fiscal year. If more than one reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan. The agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the agency head remains solely responsible for making those contributions.

Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act. In the event the reduction for the state agency or institution *of higher learning* is due solely to the General Assembly transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The Budget and Control Board, Office of Human Resources shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board.

*For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the 1976 Code.*

*The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory furlough based solely on the implementation of a reduction in force plan by a technical college.*

**89.85** **DELETE** (Implementation of Access to Justice Post-Conviction DNA Testing Act) States that the provisions of the "Access to Justice Post Conviction DNA Testing Act" are not required to be implemented until general funds are appropriated or federal or other funds are received to begin implementation.

**SEN:** DELETE proviso. *Ruled Out of Order.*

**89.85.** (GP: Implementation of Access to Justice Post-Conviction DNA Testing Act) ~~The provisions of the "Access to Justice Post Conviction DNA Testing Act" (Act 413 of 2008) are not required to be implemented until such time as general funds are appropriated or federal or other funds are received to begin implementation of the act.~~

**89.93** **REINSERT** (Transfer Division of Aeronautics) Transfers the Division of Aeronautics and its duties, functions, responsibilities, personnel, equipment, supplies, appropriated , authorized, and carry forward funds and all other assets and resources from the Department of Commerce to the Budget and Control Board effective July 1, 2009.

**WMC:** DELETE proviso. *Deletion of the proviso will cause the Division of Aeronautics to revert back to the Department of Commerce.* Fiscal Impact: No impact on the General Fund.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**HOU:** ADOPT deletion of proviso.

~~**89.93.** (GP: Transfer Division of Aeronautics) Effective July 1, 2009, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated and authorized funds, carry forward funds and all other assets and resources of the Division of Aeronautics in the Department of Commerce are transferred to the Budget and Control Board.~~

**SFC:** REINSERT proviso.

**SEN:** ADOPT original proviso.

**89.93.** (GP: Transfer Division of Aeronautics) Effective July 1, 2009, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated and authorized funds, carry forward funds and all other assets and resources of the Division of Aeronautics in the Department of Commerce are transferred to the Budget and Control Board.

**89.96** **DELETE** (Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) Exempts handguns and shot guns from state and local sales tax for sales occurring from 12:01 am, Friday, November 26, 2010, through midnight Saturday, November 27, 2010.

**HOU:** AMEND proviso to change “Friday, November 26, 2010” to “the Friday after Thanksgiving” and change “Saturday, November 27, 2010” to “the Saturday after Thanksgiving for the current fiscal year.” Sponsors: Reps. White and Pitts.

**89.96.** (GP: Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) The gross proceeds of sales or sales price of handguns as defined pursuant to Section 16-23-10(1) of the 1976 Code, rifles, and shot guns is exempt from the taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code and Chapter 10, Title 4 of the 1976 Code for sales occurring from 12:01 a.m., ~~Friday, November 26, 2010,~~ the Friday after Thanksgiving through twelve midnight, ~~Saturday, November 27, 2010~~ the Saturday after Thanksgiving for the current fiscal year.

**SFC:** DELETE proviso.

**SEN:** ADOPT deletion of proviso.

~~**89.96.** (GP: Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) The gross proceeds of sales or sales price of handguns as defined pursuant to Section 16-23-10(1) of the 1976 Code, rifles, and shot guns is exempt from the taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code and Chapter 10, Title 4 of the 1976 Code for sales occurring from 12:01 a.m., Friday, November 26, 2010, through twelve midnight, Saturday, November 27, 2010.~~

**89.104** **REINSERT/AMEND FURTHER** (Broadband Spectrum Lease) Requires the General Assembly to approve any exercise of the Educational Broadband Service Spectrum Lease Agreements Middle Band Segment Channel recapture provisions if exercising those provisions would decrease the amount deposited into the General Fund.

**WMC:** AMEND proviso to delete reference to deposit into the General Fund and instead direct that for FY 11-12, the revenue received from the broadband spectrum lease be transferred from the B&C Board to ETV for agency operations & authorize the funds be carried forward.

**HOU:** ADOPT proviso as amended.

**HOU2:** AMEND House version to direct that the revenue be transferred on a monthly schedule according to the lease agreement.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**89.104.** (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the recapture provisions would result in a decrease in payments received by the State ~~for deposit into the State General Fund.~~ For Fiscal Year 2011-12, revenue received from the broadband spectrum lease shall be transferred from the Budget and Control Board to the Educational Television Commission on a monthly schedule, according to the current broadband lease agreement, which shall retain and expend such funds for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year.

**SFC:** AMEND FURTHER to direct that the revenue be transferred on a monthly schedule according to the lease agreement.

**SEN:** RESTORE original proviso. Sponsor: Sen. Sheheen.

**89.104.** (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the recapture provisions would result in a decrease in payments received by the State for deposit into the State General Fund.

**89.110 DELETE** (Bank Account Transparency and Accountability) Requires each agency, except higher education institutions, to report their composite reservoir bank accounts to the Governor, State Treasurer, Comptroller General, and Chairmen of the Senate Finance and House Ways and Means Committees by October 1 of each year. Directs that the required information includes, among other things, the name of each payee, the transaction amount and description of goods or services purchased. Directs that upon request, an exemption from the reporting requirement may be granted by the five-member Budget and Control Board after a closed meeting, if release of the required information would be detrimental to the state or agency.

**SFC:** DELETE proviso. *Because most of these accounts are used to pay for items on behalf of health agency clients or in conjunction with law enforcement activity, the information is confidential or its release could jeopardize criminal investigations and informants. Consequently, the information qualifies for an exemption rendering the proviso largely ineffective. In order to provide for oversight of these accounts, the State Auditor has agreed to include them in agreed upon procedures audits, where confidential information can be reviewed by auditors and tested against objective criteria for its propriety.* Requested by Budget and Control Board.

**SEN:** ADOPT deletion of proviso.

**89.110.** (GP: Bank Account Transparency and Accountability) ~~Each state agency, except state institutions of higher learning, which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the Comptroller General's Statewide Accounting and Reporting System or the South Carolina Enterprise Information System shall prepare a report for each account disclosing every transaction of the account in the prior fiscal year. The report shall be submitted to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the State Treasurer, and the Comptroller General by October first of each fiscal year. The report shall include the name(s) and title(s) of each person authorized to sign checks or make withdrawals from each account, the name and title of each person responsible for reconciling each account, the year end balance of funds in each account, and data related to both deposits and expenditures of each account. The report shall include, but not be limited to, the date, amount,~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~and source of each deposit transaction and the date, name of the payee, the transaction amount, and a description of the goods or services purchased for each expenditure transaction. In order to promote accountability and transparency, a link to the report shall be posted on the Comptroller General's website as well as the agency's homepage.~~

~~If an agency determines that the release of the information required in this provision would be detrimental to the state or the agency, the agency may petition the Budget and Control Board to grant the agency an exemption from the reporting requirements for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed. However, the exemption may only be granted upon a majority vote of the Budget and Control Board in a public meeting.~~

**89.112 AMEND FURTHER** (State Agency Restructuring Study Committee) Creates a State Agency Restructuring Study Committee co-chaired by the Chairmen of the Senate Finance and Ways and Means Committees and composed of 10 additional members of the General Assembly. Directs the committee to review and recommended ways to further streamline government to realize maximum effectiveness and efficiency. Directs that committee's scope is not limited but at a minimum it shall review Education; Health and Social Services; Natural Resources and Environmental Services; Cultural; Regulatory; and Transportation. Directs that the review, including a cost savings estimate, be submitted to the Chairmen of the Senate Finance and Ways and Means Committees by December 10, 2010.

**WMC:** AMEND proviso to delete the December 10, 2010 reporting date.

**HOU:** ADOPT proviso as amended.

**89.112.** (GP: State Agency Restructuring Study Committee) There is created a State Agency Restructuring Study Committee. The committee shall be co-chaired by the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. Its membership shall consist of an additional ten members of the General Assembly appointed as follows: two members appointed by the President Pro Tempore of the Senate; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; one member appointed by the Senate Majority Leader; one member appointed by the Senate Minority Leader; two members appointed by the Speaker of the House of Representatives; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member appointed by the House Majority Leader; and one member appointed by the House Minority Leader.

The committee shall review and recommended ways to further streamline government to realize maximum effectiveness and efficiency. The committee shall not be limited in scope, but at a minimum it shall review (1) Education; (2) Health and Social Services; (3) Natural Resources and Environmental Services; (4) Cultural; (5) Regulatory; and (6) Transportation. This review, including an estimate of cost savings must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee ~~by December 10, 2010.~~

**SFC:** ADOPT proviso as amended.

**SEN:** AMEND FURTHER to direct the study committee to continue to review and recommend methods to streamline state government operations. Sponsor: Sen. Shoopman.

**89.112.** (GP: State Agency Restructuring Study Committee) ~~There is created a~~ The State Agency Restructuring Study Committee created in Act 291 of 2010 shall continue to review and recommend methods to streamline state government operations. The committee shall be co-chaired by the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. Its membership shall consist of an additional ten members of the

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

General Assembly appointed as follows: two members appointed by the President Pro Tempore of the Senate; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; one member appointed by the Senate Majority Leader; one member appointed by the Senate Minority Leader; two members appointed by the Speaker of the House of Representatives; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member appointed by the House Majority Leader; and one member appointed by the House Minority Leader.

The committee shall review and recommended ways to further streamline government to realize maximum effectiveness and efficiency. The committee shall not be limited in scope, but at a minimum it shall review (1) Education; (2) Health and Social Services; (3) Natural Resources and Environmental Services; (4) Cultural; (5) Regulatory; and (6) Transportation. This review, including an estimate of cost savings must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee ~~by December 10, 2010.~~

- 89.115 DELETE** (Beach Renourishment Suspension) Suspends, for FY 10-11, Chapter 40 of Title 48 [BEACH RESTORATION AND IMPROVEMENT TRUST ACT] and directs that the suspension be lifted if a natural disaster affects the state's coastline.  
**SEN:** DELETE proviso. *Ruled Out of Order.*

~~**89.115.** (GP: Beach Renourishment Suspension) For Fiscal Year 2010-11, Chapter 40, Title 48 of the 1976 Code is suspended. In the event of a natural disaster that affects the coastline of South Carolina, this suspension shall be lifted.~~

- 89.118 DELETE** (Civil Conspiracy Defense Costs) Directs that for the current fiscal year, for any claim that has not reached a judgment, if a current or former state or local government employee is personally sued for civil conspiracy based in part on a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination on whether the action or decision was made by the government employee within the scope of their official duty. Directs that if the court finds that the employee was acting outside the scope of their official duties, the government shall not spend any more funds to pay or defend the claim. Directs that if the court finds the employee was acting within the scope of their official duties, they are immune from suit, liability, and damages with respect to the civil conspiracy claim. Directs that the government may only spend funds to defend the claim if it is determined that the employee was acting within the scope of their official duties. Directs that nothing in this proviso prevents an insurance provider from defending and paying any claims that the provider has contractually agreed to defend and pay.  
**SEN:** DELETE proviso. Sponsor: Sen. Malloy.

~~**89.118.** (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a state or local government employee or former state or local government employee ("government employee") is personally sued for civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee's official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee was acting within the scope of their official duties. Nothing in this proviso~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

~~prevents an insurance provider from defending and paying, respectively, any claims that the provider has contractually agreed to defend and pay.~~

- 89.119 DELETE** (Sunday Work Law Exemption) Exempts, for the current fiscal year, telephone call center operations from the restrictions imposed on Sunday work by Chapter 1, Title 53 and directs that an employee of that type of business that operates on Sunday has the option of refusing to work in accordance with Section 53-1-100. Directs that if that employee is dismissed or demoted because of their conscientious objection to working on Sunday they have the remedies provided pursuant to Section 53-1-150(C).

**SEN:** DELETE proviso. *Ruled Out of Order.*

~~**89.119.** (GP: Sunday Work Law Exemption) For the current fiscal year, in addition to all other business operations exempt from the application of the Sunday work restrictions imposed pursuant to Chapter 1, Title 53 of the 1976 Code, telephone call center operations are exempt from the restrictions imposed on Sunday work pursuant to that chapter. An employee of a business which operates on Sunday pursuant to this provision has the option of refusing to work in accordance with Section 53-1-100 of the 1976 Code and that employee, if dismissed or demoted because of conscientious objection to Sunday work, has the remedies provided pursuant to Section 53-1-150(C) of the 1976 Code.~~

- 89.120 AMEND FURTHER** (Recovery Audits) Directs the B&C Board to contract with one or more consultants to conduct recovery audits of payments made by state agencies included in this act to vendors. Requires the audits be designed to detect and recover overpayments and erroneous payments to vendors and to recommend improved state agency accounting operations. Requires a state agency to pay, from recovered monies received, the recovery audit consultant responsible for obtaining a reimbursement from a vendor based on the following scale: 10% of up to the first \$1,000,000 recovered; 5% of \$1,000,001 to \$5,000,000 recovered; 2.5% of the amount recovered above \$5,000,001 with a maximum consultant payment of \$2,500,000. Directs the recovered funds, less recovery cost, to be remitted to a special fund subject to General Assembly appropriation. Authorizes agencies to recover costs that are documented to be directly related to implementation of this provision. Provides guidelines for which recovery audit should be conducted. Direct that the B&C Board provide copies of final recovery audit reports to the Governor, Chairmen of the Senate Finance and House Ways and Means Committees; and the state auditor's office and require the board issue a report to the General Assembly by January 1<sup>st</sup> each year, that summarizes all reports received under this provision during the prior fiscal year.

**WMC:** AMEND proviso to delete the fee scale and instead direct that the consultant be paid a negotiated fee not to exceed 20% of the recovered monies received by a state agency. Requested by Budget and Control Board.

**HOU:** ADOPT proviso as amended.

**89.120.** (GP: Recovery Audits) The Budget and Control Board shall contract with one or more consultants to conduct recovery audits of payments made by state agencies included in this act to vendors. The audits must be designed to detect and recover overpayments and erroneous payments to the vendors and to recommend improved state agency accounting operations. A state agency shall pay, from recovered monies received, the recovery audit consultant responsible for obtaining for the agency a reimbursement from a vendor based on the following scale: 10% of up to the first \$1,000,000 recovered; 5% of \$1,000,001 to \$5,000,000 recovered; 2.5% of the amount recovered above \$5,000,001 with a maximum consultant payment of \$2,500,000 a negotiated fee not to exceed 20% of the recovered monies received by a state agency.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISIO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Funds recovered, less the cost of recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation of this provision.

Recovery audits apply only to a payment made after a one hundred eighty day period from the date the payment was made.

All information provided under a contract must be treated as confidential by the vendor. A violation of this provision shall result in the forfeiture by the vendor of all recovery payments under the contract and to the same sanctions and penalties that would apply to that disclosure.

The Budget and Control Board shall require that recovery audits be performed in regard to state agencies which have total expenditures during a fiscal year in an amount that exceeds one hundred million dollars. Each state agency subject to this provision shall provide the recovery audit consultant with all information necessary for the audit. The Budget and Control Board may exempt from the mandatory recovery audit process a state agency that has a low proportion of its expenditures made to vendors, or sufficient internal procedures in place to prevent overpayments. The Budget and Control Board or a state agency in its discretion may require similar recovery audits of a state agency with expenditures of less than one hundred million dollars during a fiscal year.

Funds recovered, less the cost of audit and agency recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation.

A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit conducted under this chapter. Payments to the recovery audit consultant from the federal share of recovered funds shall be solely from the federal portion as allowed by the federal agency.

The Budget and Control Board shall provide copies, including electronic form copies, of final reports received from a consultant under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means Committee; and the state auditor's office. Not later than January first of each year, the board shall issue a report to the General Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

**SFC:** AMEND FURTHER to specify that recovery audits apply only to payments made more than 180 days prior to the date the audit is initiated. Delete the requirement that the B&C Board require recovery audits be performed for state agencies whose yearly expenditures exceeds \$100,000,000. Delete the authorization for the B&C Board to exempt agencies from recovery audits. Delete the requirement that recovered funds be remitted to a special account for appropriation by the General Assembly and authorization for agencies to recover costs directly related to implementation.

**SEN:** ADOPT proviso as amended.

**89.120.** (GP: Recovery Audits) The Budget and Control Board shall contract with one or more consultants to conduct recovery audits of payments made by state agencies ~~included in this act~~ to vendors. The audits must be designed to detect and recover overpayments and erroneous payments to the vendors and to recommend improved ~~state agency accounting operations~~ financial and operational practices and procedures. A state agency shall pay, from recovered monies received, the recovery audit consultant responsible for obtaining for the agency a reimbursement from a vendor based on the following scale: 10% of up to the first \$1,000,000 recovered; 5% of \$1,000,001 to \$5,000,000 recovered; 2.5% of the amount recovered above \$5,000,001 with a maximum consultant payment of \$2,500,000 a negotiated fee not to exceed 20% of the funds recovered by that vendor.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Funds recovered, less the cost of recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation of this provision.

Recovery audits apply only to ~~a payment~~ payments made ~~after a one hundred eighty day period from the date the payment was made~~ more than one hundred eighty days prior to the date the audit is initiated.

All information provided under a contract must be treated as confidential by the vendor. A violation of this provision shall result in the forfeiture by the vendor of all ~~recovery payments~~ compensation under the contract and to the same sanctions and penalties that would apply to that disclosure.

~~The Budget and Control Board shall require that recovery audits be performed in regard to state agencies which have total expenditures during a fiscal year in an amount that exceeds one hundred million dollars. Each state~~ executive ~~agency subject to this provision shall provide the recovery audit consultant with all information necessary for the audit. The Budget and Control Board may exempt from the mandatory recovery audit process a state agency that has a low proportion of its expenditures made to vendors, or sufficient internal procedures in place to prevent overpayments. The Budget and Control Board or a state agency in its discretion may require similar recovery audits of a state agency with expenditures of less than one hundred million dollars during a fiscal year.~~

~~Funds recovered, less the cost of audit and agency recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation.~~

A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit conducted under this chapter. Payments to the recovery audit consultant from the federal share of recovered funds shall be solely from the federal portion as allowed by the federal agency.

The Budget and Control Board shall provide copies, including electronic form copies, of final reports received from a consultant under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means Committee; and the state auditor's office. Not later than January first of each year, the board shall issue a report to the General Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

**89.121 REINSERT/AMEND NEW PROVISO (Funds Transfer to ETV) WMC:** ADD new proviso to direct the following agencies to use the specified funds appropriated in the current fiscal year to contract with ETV to continue the services as provided in the prior fiscal year: funds for K-12 Teacher Training in the Department of Education; funds for Legislative & Public Affairs coverage in the B&C Board, and funds for State & Local Training of Law Enforcement in the Law Enforcement Training Council.

**HOU:** ADOPT new proviso.

**HOU2:** REINSERT and AMEND new proviso to identify additional areas and/or functions for which funds are appropriated associated with the services ETV provides. Direct that these funds be "transferred to" ETV rather than be "used to contract with" ETV and that the transfers take place during July 2011. Sponsor: Rep. Cooper.

*89.121. (GP: Funds Transfer to ETV) In the current fiscal year funds appropriated in Part IA to the Department of Education in Section 1, XIII for K-12 including, but not limited to, Teacher Training, creation, delivery and aggregation of educational content and services over broadband and middle band distribution channels, support of appropriate local district technology and related media training, to the Budget and Control Board in Section 80A for Legislative & Public Affairs Coverage, and to the Law Enforcement Training Council in*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Section 50 for State & Local Training of Law Enforcement, City and County municipal training services and Emergency Communications and Backbone for the State and other related emergency systems must be transferred to the Educational Television Commission (ETV) during July, 2011 for the continuation of services as provided in the prior fiscal year.

**SFC:** AMEND new proviso to identify additional areas and/or functions for which funds are appropriated associated with the services ETV provides. Direct that these funds be “transferred to” ETV rather than be “used to contract with” ETV and that the transfers take place during July 2011. *To cover the services ETV actually provides.* Requested by Educational Television Commission.

**SEN:** DELETE new proviso. Sponsor: Sen. Sheheen.

**89.121. (GP: Funds Transfer to ETV) DELETED**

**89.122 AMEND NEW PROVISO (First Steps Transfer) WMC:** ADD new proviso to direct that all State funds for BabyNet directly appropriated to the following agencies be transferred to the S.C. First Steps to School Readiness which shall administer the funds as the program’s designated lead agency: DDSN, DHEC, and School for the Deaf and the Blind. Direct that all filled positions at DHEC associated with the BabyNet program also be transferred to First Steps. Authorize these funds to be contracted to partner agencies as appropriate and necessary for cost effective delivery of early intervention services.

**HOU:** ADOPT new proviso.

89.122. (GP: First Steps Transfer) In accordance with federal requirements establishing a single line of authority over the Individuals with Disabilities Education Act, Part C, all State funds directly appropriated for BabyNet under the Department of Disabilities and Special Needs, the Department of Health and Environmental Control, and the School for the Deaf and the Blind, as well as all filled positions under the Department of Health and Environmental Control for the BabyNet program, during the current fiscal year shall be transferred to, and administered by, the South Carolina First Steps to School Readiness as the program’s designated lead agency. These funds may then be contracted to partner agencies as appropriate and necessary to ensure the cost-effective delivery of early intervention services.

**SFC:** AMEND new proviso to delete reference to DDSN and authorize the transfer of all medical and educational records from DHEC, the former lead agency, to First Steps.

**SEN:** ADOPT new proviso as amended.

89.122. (GP: First Steps Transfer) In accordance with federal requirements establishing a single line of authority over the Individuals with Disabilities Education Act, Part C, all State funds directly appropriated for BabyNet under the Department of Health and Environmental Control, and the School for the Deaf and the Blind, as well as all filled positions under the Department of Health and Environmental Control for the BabyNet program, during the current fiscal year shall be transferred to, and administered by, the South Carolina First Steps to School Readiness as the program’s designated lead agency. These funds may then be contracted to partner agencies as appropriate and necessary to ensure the cost-effective delivery of early intervention services.

All original medical and educational records created by the former lead agency, the Department of Health and Environmental Control, for documenting services to clients currently enrolled in BabyNet and who are continuing to receive services shall be transferred to First Steps, as designated lead agency and records custodian. All state and federal laws applicable

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

*to these records shall remain in effect, and First Steps shall make these records available to the Department of Health and Environmental Control for audit and other purposes as necessary.*

- 89.123 DELETE NEW PROVISO** (USC Medical School Greenville Study Committee) **WMC:** ADD new proviso to create a study committee to assess the fiscal sustainability of the new medical school at USC in Greenville. Direct that the committee be composed of 3 members of the Senate and 3 members of the House appointed as follows: one each by the President Pro Tempore of the Senate and Speaker of the House of Representatives, and one each by the Chairmen of the Senate Finance, Senate Education, House Ways and Means, and House Education and Public Works Committees. Direct the committee to review, but not be limited to, the current higher education mission and goals as established in Section 59-103-15 [HIGHER EDUCATION MISSION AND GOALS]. Direct the committee to take institutional missions and academic programs and planning; funding and institutional cost; buildings and facilities; and organization and plan implementation into consideration. Direct that a report be provided to the General Assembly by September 1, 2011.  
**HOU:** ADOPT new proviso.

*89.123. (GP: USC Medical School Greenville Study Committee) There is created a study committee to assess the fiscal sustainability of the new medical school at the University of South Carolina in Greenville. The committee shall be comprised of three Senate members and three House of Representative members. Of the Senate appointees, one shall be appointed by the President Pro Tempore of the Senate, one shall be appointed by the Chairman of the Senate Finance Committee, and one member shall be appointed by the Chairman of the Senate Education Committee. Of the House appointees, one member shall be appointed by the Speaker of the House of Representatives, one shall be appointed by the Chairman of the Ways and Means Committee, and one shall be appointed by the Chairman of the Education and Public Works Committee. The committee shall review, but is not limited to, the current higher education mission and goals as set forth in Section 59-103-15 of the 1976 Code, taking into consideration: 1) institutional missions and academic programs and planning; 2) funding and institutional cost; 3) buildings and facilities; and 4) organization and plan implementation. A report shall be provided to the General Assembly by September 1, 2011.*

**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.

*89.123. (GP: USC Medical School Greenville Study Committee) DELETED*

- 89.124 DELETE NEW PROVISO** (Transfer Arts Commission to PRT) **WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Arts Commission to PRT.  
**HOU:** ADOPT new proviso.

*89.124. (GP: Transfer Arts Commission to PRT) For the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding and physical assets of the Arts Commission are transferred to the Department of Parks, Recreation, and Tourism.*

**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.

*89.124. (GP: Transfer Arts Commission to PRT) DELETED*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**89.125 DELETE NEW PROVISO** (Transfer State Museum Commission to PRT) **WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the State Museum Commission to PRT.

**HOU:** ADOPT new proviso.

*89.125. (GP: Transfer State Museum Commission to PRT) For the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding and physical assets of the State Museum Commission are transferred to the Department of Parks, Recreation, and Tourism.*

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

*89.125. (GP: Transfer State Museum Commission to PRT) DELETED*

**89.126 AMEND NEW PROVISO** (Opt Out of Federal Patient Protection and Affordable Care Act) **WMC:** ADD new proviso to direct that if federal law permits, the state opts out of specific provisions of the federal Patient Protection and Affordable Care Act (PL 111-148).

**HOU:** ADOPT new proviso.

*89.126. (GP: Opt Out of Federal Patient Protection and Affordable Care Act) If federal law permits, the State of South Carolina opts out of the following provisions in the federal Patient Protection and Affordable Care Act (Public Law 111-148):*

*(1) Subtitles A through C of Title I (and the amendments made by such subtitles), except for Sections 1253 and 1254;*

*(2) Parts I, II, III, and V of subtitle D of Title I (and the amendments made by such parts);*

*(3) Part I of subtitle E of Title I (and the amendments made by such part);*

*(4) Subtitle F of Title I (and the amendments made by such subtitle);*

*(5) Section 1561 (and the amendments made by such section);*

*(6) Sections 2001 through 2006 and subtitle C of Title II (and the amendments made by such sections and subtitle); and*

*(7) Sections 10101 through 10107 (and the amendments made by such sections).*

**SFC:** AMEND new proviso to delete reference to “Section 1561” and “subtitle C of Title II.” Requested by Department of Health and Human Services.

**SEN:** ADOPT new proviso as amended.

*89.126. (GP: Opt Out of Federal Patient Protection and Affordable Care Act) If federal law permits, the State of South Carolina opts out of the following provisions in the federal Patient Protection and Affordable Care Act (Public Law 111-148):*

*(1) Subtitles A through C of Title I (and the amendments made by such subtitles), except for Sections 1253 and 1254;*

*(2) Parts I, II, III, and V of subtitle D of Title I (and the amendments made by such parts);*

*(3) Part I of subtitle E of Title I (and the amendments made by such part);*

*(4) Subtitle F of Title I (and the amendments made by such subtitle);*

*(5) Sections 2001 through 2006 (and the amendments made by such sections); and*

*(6) Sections 10101 through 10107 (and the amendments made by such sections).*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

- 89.127 DELETE NEW PROVISO** (Transfer DMH Veterans Services to Lt Gov Ofc on Aging) **WMC:** ADD new proviso to transfer for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Veteran's Services Program that consists of the Stone Pavilion, the Campbell Veterans Home and the Veterans' Victory House from the Department of Mental Health to the Lieutenant Governor's Office on Aging. Require the transferred funds to be administered separately from other programs within the office and that the funds be used exclusively for the Veteran's Services Program. Direct that the Stone Pavilion shall remain under DMH's purview until the Office on Aging issues a RFP and awards a contract to oversee the Stone Pavilion. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

*89.127. (GP: Transfer DMH Veterans Services to Lt. Gov Ofc on Aging) For the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Veteran's Services Program consisting of the Stone Pavilion, the Campbell Veterans Home and the Veterans' Victory House, located within the Department of Mental Health are transferred to the Lieutenant Governor's Office on Aging. These funds must be administered separately from other programs within the office and must be expended for the exclusive use of the Veteran's Services Program. However, until such time as the Office on Aging has issued a Request for Proposal and awarded a contract to oversee the Stone Pavilion, it shall remain under the purview of the Department of Mental Health.*

**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.

*89.127. (GP: Transfer DMH Veterans Services to Lt. Gov Ofc on Aging) DELETED*

- 89.128 AMEND NEW PROVISO** (Means Test) **WMC:** ADD new proviso to require all agencies that provide Healthcare Services to identify standards and criteria to means test all waivers and programs they provide, if federal guidelines allow such a test. Direct an agency, once consistent criteria has been established, to implement their plan. Require each agency to report criteria and fiscal data to the Chairmen of the Senate Finance and House Ways and Means Committees by January 1, 2012.  
**HOU:** ADOPT new proviso.

*89.128. (GP: Means Test) All agencies providing Healthcare Services are directed to identify standards and criteria for means testing on all waivers and programs provided, where allowed by Federal guidelines. Once a consistent criteria has been established within an agency, they shall implement their respective plans. Each agency shall report all criteria and fiscal data to the Chairman of the Senate Finance Committee and to the Chairman of the House Ways and Means Committee no later than January 1, 2012.*

**SFC:** AMEND new proviso to delete the requirement that "waivers" be means tested.  
**SEN:** ADOPT new proviso as amended.

*89.128. (GP: Means Test) All agencies providing Healthcare Services are directed to identify standards and criteria for means testing on all programs provided, where allowed by Federal guidelines. Once a consistent criteria has been established within an agency, they shall implement their respective plans. Each agency shall report all criteria and fiscal data to the Chairman of the Senate Finance Committee and to the Chairman of the House Ways and Means Committee no later than January 1, 2012.*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

- 89.129 DELETE NEW PROVISO** (Transfer DAODAS to DMH) **WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Department of Alcohol and Other Drug Abuse Services to the Department of Mental Health.  
**HOU:** ADOPT new proviso.

*89.129. (GP: Transfer DAODAS to DMH) For the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding and physical assets of the Department of Alcohol and Other Drug Abuse Services are transferred to the Department of Mental Health.*

**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.

*89.129. (GP: Transfer DAODAS to DMH) DELETED*

- 89.130 DELETE NEW PROVISO** (Transfer Probation, Parole and Pardon to Dept of Corrections) **WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Department of Probation, Parole, and Pardon Services to the Department of Corrections. Fiscal Impact: OSB states no impact on the General Fund. The transfer should eventually result in greater efficiencies as of result of economies of scale, primarily within the area of agency administration. However, the workforce needs would need to be reevaluated before reducing staff through either attrition or a reduction in force.  
**HOU:** ADOPT new proviso.

*89.130. (GP: Transfer Dept. of Probation, Parole, and Pardon Services to Dept. of Corrections) For the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Department of Probation, Parole, and Pardon Services are transferred to the Department of Corrections.*

**SFC:** DELETE new proviso. *See new proviso 89.158.*  
**SEN:** ADOPT deletion of new proviso.

*89.130. (GP: Transfer Dept. of Probation, Parole, and Pardon Services to Dept. of Corrections) DELETED*

- 89.131 DELETE NEW PROVISO** (Speeding or Traffic Control Devices) **WMC:** ADD new proviso to require a law enforcement officer be present at the time evidence is obtained when a citation for violating traffic laws is issued that uses speeding or traffic control devices. Require a copy of the written ticket be handed directly to the offender by the law enforcement officer issuing the ticket on the day the citation is issued. Require municipalities and counties to submit a letter to the Office of State Treasurer by July 31<sup>st</sup> that certifies under oath that they are in compliance with this provision. Direct that if any entity fails to submit the letter by July 31<sup>st</sup>, the entity's chief administrative officer shall be notified in writing that the entity has 30 days to comply with the requirements of this provision. Direct the State Treasurer, after the 30 days has expired, to withhold all Aid to Subdivisions Act payments scheduled for the municipality or county. Fiscal Impact: OSB states that DPS indicated no negative impact on the General Fund and the State Treasurer's Office indicated a possible minimal impact to the agency which should be absorbed. OSB has surveyed members of the FIST Network for the local government impact and the responses will be forwarded upon receipt.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**HOU:** ADOPT new proviso.

89.131. (GP: Speeding or Traffic Control Devices) Citations for violating traffic laws using speeding or traffic control devices that use photographic evidence requires the presence of a law enforcement officer at the time the evidence is obtained, and a copy of the written ticket must be handed directly to the offender by the law enforcement officer issuing the ticket on the day the citation is issued.

Municipalities and counties must submit a letter to the Office of State Treasurer by July 31 certifying under oath that they are in compliance with this provision. If any entity fails to submit the letter by July 31<sup>st</sup>, then the chief administrative officer of the entity shall be notified in writing that the entity has thirty days to comply with the requirements of this provision. Upon expiration of the thirty days, if the county or municipality has failed to certify compliance, the Office of State Treasurer must withhold all payments scheduled for the municipality or county under the Aid to Subdivisions Act.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

89.131. (GP: Speeding or Traffic Control Devices) DELETED

**89.137 AMEND NEW PROVISO** (Guardian ad Litem Study Committee) **WMC:** ADD new proviso to establish a Guardian ad Litem Study Committee to bring accountability and transparency to the guardian ad litem system. Direct the committee to determine the efficacy of administration of the volunteer Guardian ad Litem Program within DSS and to analyze the program's ability to advocate in a transparent and independent manner for abused and neglected children within the DSS structure. Direct the committee to also determine ways to monitor performance and establish accountability of guardians appointed in private actions before the family court where custody or visitation of a minor child is an issue, including certification and oversight. Provide for composition of the study committee and direct that members shall serve without compensation. Direct that a status report be provided on the committee's findings and recommendations by January 10, 2012 to the Chairmen of the Senate Finance and House Ways and Means Committees. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

89.137. (GP: Guardian ad Litem Study Committee) For the current fiscal year, effective July 1, 2011, in order to bring accountability and transparency to the guardian ad litem process, a Guardian ad Litem Study Committee shall be established to determine:

1) the efficacy of administration of the volunteer Guardian ad Litem Program within the Department of Social Services. The study shall analyze the Guardian ad Litem Program's ability to advocate in a transparent and independent manner for abused and neglected children within the structure of the Department of Social Services.

2) ways in which to monitor performance and establish accountability of guardians ad litem appointed in private actions before the family court in which custody or visitation of a minor child is an issue, including certification and oversight.

The Guardian ad Litem Study Committee shall be composed of the following members: Director of Social Services, or her designee; Director of the Guardian ad Litem Program, or her designee; a member of the Joint Legislative Committee on Children appointed by the Chairman of the committee; Director of the SC Bar, or his designee; one volunteer guardian ad litem in good standing with the SC Guardian ad Litem Program, to be appointed by the Governor; and one private guardian ad litem in good standing with the family court, to be

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

appointed by the Governor. Members appointed by the Governor must not be employees of the State of South Carolina. Members shall serve at the pleasure of the appointing authority. The Director of the Department of Social Services and the Director of the Guardian ad Litem Program shall serve as co-chairs. Members of the study committee shall serve without compensation.

The study committee shall provide a report on the status of their findings and recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2012.

**SFC:** AMEND new proviso to direct the committee to study the “effectiveness” of the administration of the program and its ability to advocate in a transparent and independent manner as currently structured and delete reference to “within DSS.”

**SEN:** ADOPT new proviso as amended.

89.137. (GP: Guardian ad Litem Study Committee) For the current fiscal year, effective July 1, 2011, in order to bring accountability and transparency to the guardian ad litem process, a Guardian ad Litem Study Committee shall be established to determine:

1) the effectiveness of administration of the volunteer Guardian ad Litem Program. The study shall analyze the Guardian ad Litem Program’s ability to advocate in a transparent and independent manner for abused and neglected children.

2) ways in which to monitor performance and establish accountability of guardians ad litem appointed in private actions before the family court in which custody or visitation of a minor child is an issue, including certification and oversight.

The Guardian ad Litem Study Committee shall be composed of the following members: Director of Social Services, or her designee; Director of the Guardian ad Litem Program, or her designee; a member of the Joint Legislative Committee on Children appointed by the Chairman of the committee; Director of the SC Bar, or his designee; one volunteer guardian ad litem in good standing with the SC Guardian ad Litem Program, to be appointed by the Governor; and one private guardian ad litem in good standing with the family court, to be appointed by the Governor. Members appointed by the Governor must not be employees of the State of South Carolina. Members shall serve at the pleasure of the appointing authority. The Director of the Department of Social Services and the Director of the Guardian ad Litem Program shall serve as co-chairs. Members of the study committee shall serve without compensation.

The study committee shall provide a report on the status of their findings and recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2012.

**89.138 DELETE NEW PROVISO** (Transfer Procurement Review Panel to ALC) **WMC:** ADD new proviso to transfer for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, funding and physical assets of the Procurement Review Panel to the Administrative Law Court. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

89.138. (GP: Transfer Procurement Review Panel to ALC) For the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Procurement Review Panel are transferred to the Administrative Law Court.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**89.138. (GP: Transfer Procurement Review Panel to ALC) DELETED**

- 89.139 DELETE NEW PROVISO** (Transfer Division of Aeronautics to DOT) **WMC:** ADD new proviso to transfer, for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated, authorized, and carry forward funds, and all other assets and resources of the Division of Aeronautics to DOT. Direct that the division operate under the purview of the Aeronautics Commission, be administered separately from other programs within DOT, and require division funds be expended exclusively for the Division of Aeronautics. Require DOT provide administrative support to the Division of Aeronautics upon request. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**89.139. (GP: Transfer Division of Aeronautics) For the current fiscal year, effective July 1, 2011, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated and authorized funds, carry forward funds and all other assets and resources of the Division of Aeronautics are transferred to the Department of Transportation.**

**The Division of Aeronautics shall operate under the purview of the Aeronautics Commission, must be administered separately from other programs within the Department of Transportation, and division funds must be expended for the exclusive use of the Division of Aeronautics. The Department of Transportation shall provide administrative support to the Division of Aeronautics as needed upon request.**

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**89.139. (GP: Transfer Division of Aeronautics) DELETED**

- 89.141 DELETE NEW PROVISO** (Agency Reduction Management) **WMC:** ADD new proviso to encourage state agencies, if they are assessed a base reduction, to try to realize savings through: 1) payroll management, including, but not limited to, furloughs, reductions in employee compensation, and hiring freezes; 2) eliminate administrative overhead that doesn't directly impact the agency's mission; and as a final option 3) reduce program funding.  
**HOU:** ADOPT new proviso.

**89.141. (GP: Agency Reduction Management) The General Assembly encourages state agencies, in the event agencies are assessed a base reduction, to endeavor to realize savings through: 1) payroll management, including, but not limited to, furloughs, reductions in employee compensation, and instituting a hiring freeze; 2) eliminate administrative overhead cost that does not directly impact the agency's mission; and as a final option 3) reductions to programmatic funding.**

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**89.141. (GP: Agency Reduction Management) DELETED**

- 89.143 AMEND NEW PROVISO** (Foster Care Review Board Study Committee) **HOU:** ADD new proviso to establish a Foster Care Review Board Study Committee to bring accountability and

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

transparency to the foster care process. Direct the committee to determine the efficacy of administering the Foster Care Review Board Program within DSS and to analyze the program's ability to advocate in a transparent and independent manner for foster care children within the DSS structure. Direct the committee to also determine ways to monitor performance and establish accountability of foster care review volunteers, including certification and oversight. Provide for composition of the study committee and direct that members shall serve without compensation. Direct that a status report be provided on the committee's findings and recommendations by January 10, 2012 to the Chairmen of the Senate Finance and House Ways and Means Committees. Sponsors: Reps. Cobb-Hunter, Merrill, and Barfield.

89.143. (GP: Foster Care Review Board Study Committee) For the current fiscal year, effective July 1, 2011, in order to bring accountability and transparency to the foster care process, a Foster Care Review Board Study Committee shall be established to determine:

1) the efficacy of administration of the Foster Care Review Board Program within the Department of Social Services. The study shall analyze the Foster Care Review Board Program's ability to advocate in a transparent and independent manner for foster care children within the structure of the Department of Social Services.

2) ways in which to monitor performance and establish accountability of foster care review volunteers, including certification and oversight.

The Foster Care Study Committee shall be composed of the following members: Director of Social Services, or her designee; Director of the Foster Care Review Board Program, or her designee; a member of the Joint Legislative Committee on Children appointed by the Chairman of the committee; Director of the SC Bar, or his designee; and one volunteer foster care review board member in good standing with the Foster Care Review Board, to be appointed by the Governor. Members appointed by the Governor must not be employees of the State of South Carolina. Members shall serve at the pleasure of the appointing authority. The Director of the Department of Social Services shall serve as chairman. Members of the study committee shall serve without compensation.

The study committee shall provide a report on the status of their findings and recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2012.

**SFC:** AMEND new proviso to direct the committee to study the "effectiveness" of the administration of the program and its ability to advocate in a transparent and independent manner as currently structured and delete reference to "within DSS." Direct that the Directors of DSS and the Foster Care Review Board Program serve as co-chairs.

**SEN:** ADOPT new proviso as amended.

89.143. (GP: Foster Care Review Board Study Committee) For the current fiscal year, effective July 1, 2011, in order to bring accountability and transparency to the foster care process, a Foster Care Review Board Study Committee shall be established to determine:

1) the effectiveness of administration of the Foster Care Review Board Program. The study shall analyze the Foster Care Review Board Program's ability to advocate in a transparent and independent manner for foster care children.

2) ways in which to monitor performance and establish accountability of foster care review volunteers, including certification and oversight.

The Foster Care Study Committee shall be composed of the following members: Director of Social Services, or her designee; Director of the Foster Care Review Board Program, or her designee; a member of the Joint Legislative Committee on Children appointed by the Chairman of the committee; Director of the SC Bar, or his designee; and one volunteer foster care review board member in good standing with the Foster Care Review Board, to be appointed by the

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Governor. Members appointed by the Governor must not be employees of the State of South Carolina. Members shall serve at the pleasure of the appointing authority. The Director of the Department of Social Services and the Director of the Foster Care Review Board Program shall serve as co-chairs. Members of the study committee shall serve without compensation.

The study committee shall provide a report on the status of their findings and recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2012.

- 89.144 DELETE NEW PROVISO** (Inspector General) **HOU:** ADD new proviso to require the Governor's Inspector General to submit a quarterly report to the House Ways and Means and Senate Finance Committees that provides a listing of each reported case/complaint of fraud, waste, or abuse and direct that the report include the affected agency name, date of the reported case, a unique case number for each case, and an estimated dollar amount related to the complaint. Require the report be updated as complaints are resolved and include the case number, actual amount of savings or recouped funds identified. Require identified fraud or abuse with civil or criminal implications be turned over to the appropriate authorities for action. Require the Inspector General to be fully self-sufficient and funded from identified savings after June 30, 2012. Direct that if this does not occur the position shall be terminated and the duties transferred to the State Auditor. Direct that effective July 1, 2011, the position of Inspector General shall fall under the purview of the Agency Head Salary Commission. Sponsors: Reps. Cobb-Hunter, Ott, and J.H. Neal.

89.144. (GP: Inspector General) The Governor's Inspector General shall report quarterly to the House Ways and Means Committee and the Senate Finance Committee the following information: a list of each reported case/complaint of fraud, waste, or abuse limited to; the agency name at which the alleged abuse occurred or is occurring, the date of the reported case, a unique case number for each case, and an estimated dollar amount related to the complaint. Further, as complaints are resolved the report must be updated by case number to include the actual dollar amount of savings and/or recouped funds, and the specific sources of funds and programs in which the savings and/or recouped funds were identified. Any identified fraud or abuse with civil or criminal implications shall be turned over to the appropriate authorities for action.

After June 30, 2012, the position of Inspector General must be fully self-sufficient from savings identified in the cabinet agencies under review. If the position is not fully self-sufficient the position shall be terminated and the duties transferred to the State Auditor.

Effective July 1, 2011, the position of Inspector General shall fall under the purview of the Agency Head Salary Commission.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

89.144. (GP: Inspector General) DELETED

- 89.145 AMEND NEW PROVISO** (Gold and Silver Investments) **HOU:** ADD new proviso to direct the State Treasurer to consider investing funds on behalf of the state in gold and silver. Sponsor: Rep. Neilson.

89.145. (GP: Gold and Silver Investments) The State Treasurer, when investing funds on behalf of the State of South Carolina shall consider investing in gold and silver.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SFC:** AMEND new proviso to direct the State Treasurer to report to the General Assembly on the advisability of investing in gold and silver.

**SEN:** ADOPT new proviso.

89.145. (GP: Gold and Silver Investments) The State Treasurer shall provide a report to the General Assembly on the advisability of investing in gold and silver.

- 89.147 AMEND NEW PROVISO** (Child Care Licensing and Inspections) **HOU:** ADD new proviso to transfer the statutory and regulatory functions of licensing and inspecting child care centers, including the imposition of fees authorized by law and regulation, from DHEC to DSS. Authorize DSS to retain the revenue generated from these fees to defray child care licensing and inspection expenses. Sponsor: Rep. Erickson.

89.147. (GP: Child Care Licensing and Inspections) For the current fiscal year, the statutory and regulatory functions of the Department of Health and Environmental Control with respect to the licensing and inspections of child care centers are transferred to and shall be performed by the Department of Social Services. The authority to impose fees authorized by law and regulation by the Department of Health and Environmental Control on child care centers for the department's functions with respect to the licensing and inspections of child care centers continue in effect for the current fiscal year, but is transferred to the Department of Social Services. The revenue of the fees must be retained by the Department of Social Services to defray its expenses incurred in the current fiscal year in exercising the transferred child care licensing and inspection functions.

**SFC:** AMEND new proviso to delete the transfer of responsibilities and instead direct the DHEC and DSS directors to collaborate and develop a plan to consolidate regulatory and licensing functions for child care centers and to submit the plan by December 1, 2011 to specific committees of the General Assembly.

**SEN:** ADOPT new proviso as amended.

89.147. (GP: Child Care Licensing and Inspections) For the current fiscal year, the directors of the Department of Health and Environmental Control and the Department of Social Services shall collaborate and develop a plan for consolidation of the regulatory and licensing functions for child care centers. The directors shall submit the plan no later than December 1, 2011, to the following committees: Senate General, Senate Medical Affairs, and House Medical, Military, Public and Municipal Affairs.

- 89.148 DELETE NEW PROVISO** (Nursing Home Permit Laws) **HOU:** ADD new proviso to direct DHEC to suspend enforcement of certain provisions of the Medicaid Nursing Home Permit Law as required by Sections 44-7-80 [MEDICAID NURSING HOME PERMITS-DEFINITIONS], 44-7-82 [PERMIT REQUIREMENT], 44-7-84 [DETERMINATION AND ALLOCATION OF MEDICAID NURSING HOME PATIENT DAYS; APPLICATION FOR PERMIT; RULES AND REGULATIONS], 44-7-88 [INVOLUNTARY DISCHARGE OR TRANSFER OF MEDICAID NURSING HOME PATIENTS PROHIBITED; REQUEST FOR WAIVER OF PERMIT REQUIREMENTS], and 44-7-90 [VIOLATIONS OF SECTIONS 44-7-80 THROUGH 44-7-90; PENALTIES]. Prohibit DHEC from penalizing or fining a facility that has provided fewer Medicaid patient days than allowable. Prohibit DHEC from transferring or adding additional days to any facility during FY 11-12. Direct DHEC to proportionately decrease the authorized Medicaid days for each nursing home if DHHS decreases the number of days available to DHEC and if additional days are authorized, to restore them in the same manner. Suspend Section 44-7-88 for FY 11-12. Allow nursing homes to discharge a resident due to payment source and Medicaid permit requirements. Sponsor: Rep. White.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

89.148. (GP: Nursing Home Permit Laws) For the current fiscal year the Department of Health and Environmental Control shall suspend enforcement of certain provisions of the Medicaid Nursing Home Permit Law as required by Sections 44-7-80, 44-7-82, 44-7-84, 44-7-88, and 44-7-90. The Department of Health and Environmental Control shall not penalize or fine a facility which has provided fewer Medicaid patient days than allowable under the Medicaid Permit Program. The department may not transfer or add additional days to any facility during Fiscal Year 2011-2012. Should the Department of Health and Human Services decrease the number of days available to the Department of Health and Environmental Control, they shall proportionately decrease the authorized Medicaid days for each nursing home. Should additional days be authorized, they shall be restored in the same manner. Section 44-7-88 is hereby suspended for Fiscal Year 2011-2012. Notwithstanding any other provision of law, nursing homes may discharge a resident due to payment source and Medicaid permit requirements.

**SFC:** DELETE new proviso. A Joint Resolution will be filed that combines amendments to provisos 89.148 and 89.156 to be considered in conjunction with H.3700, FY 2011-12 Appropriation Bill.

**SEN:** ADOPT deletion of new proviso.

89.148. (GP: Nursing Home Permit Laws) DELETED

**89.149 DELETE NEW PROVISO** (SCBOS Cost Reporting Requirement) **HOU:** ADD new proviso to require the SC Business One Stop program to report cost per participant data and cost per outcome data quarterly to the General Assembly in order to select the best training providers. Sponsor: Rep. Cobb-Hunter.

89.149. (GP: SCBOS Cost Reporting Requirement) For Fiscal Year 2011-12, the South Carolina Business One Stop program shall quarterly report cost per participant data and cost per outcome data to the General Assembly in an effort to select the best training providers.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

89.149. (GP: SCBOS Cost Reporting Requirement) DELETED

**89.150 ADD** (WIA Meeting Requirements) **HOU:** ADD new proviso to require a Workforce Investment Board meeting to be subject to all FOIA notice requirements and prohibit a meeting from taking place without a quorum of board members present. Direct that any decision made in violation of this requirement shall be void. Sponsor: Rep. Cobb-Hunter.

89.150. (GP: WIA Meeting Requirements) For Fiscal Year 2011-12, a Workforce Investment Board meeting must be subject to all notice requirements of the Freedom of Information Act and may not take place unless a quorum of the board membership is present. Any decision made in violation of these requirements is void.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

89.150. (GP: WIA Meeting Requirements) For Fiscal Year 2011-12, a Workforce Investment Board meeting must be subject to all notice requirements of the Freedom of

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Information Act and may not take place unless a quorum of the board membership is present.  
Any decision made in violation of these requirements is void.

- 89.151 DELETE NEW PROVISO** (SCBOS Procurement Requirement) **HOU:** ADD new proviso to require the SC Business One Stop program to comply with the Consolidated Procurement Code's request for proposal requirement when purchasing goods or services. Sponsor: Rep. Cobb-Hunter.

**89.151.** (GP: SCBOS Procurement Requirement) For Fiscal Year 2011-12, any purchase of a good or service for the general operation of the South Carolina Business One Stop operation must comply with the request for proposal requirement of the State Consolidated Procurement Code.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**89.151.** (GP: SCBOS Procurement Requirement) DELETED

- 89.152 DELETE NEW PROVISO** (WIA Service Advertising) **HOU:** ADD new proviso to authorize the Workforce Investment Act to advertise its services by billboard, bus, placard, newspapers, or radio in all workforce investment areas rather than in selected areas. Direct that this advertising may not be limited to e-mail, online, or other internet based advertising, publicity or promotions. Sponsor: Rep. Cobb-Hunter.

**89.152.** (GP: WIA Service Advertising) For Fiscal Year 2011-12, the Workforce Investment Act may advertise its services via billboard, bus placard, newspapers, or radio in all workforce investment areas rather than in selected workforce investment areas. This advertising may not be limited to e-mail, online, or other internet-based advertising, publicity, or other promotions.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**89.152.** (GP: WIA Service Advertising) DELETED

- 89.153 DELETE NEW PROVISO** (WIA Investment Board Training Fund Allocation Study Committee) **HOU:** ADD new proviso to create a committee to study and review the parameters on allocating training funds set by the State Workforce Investment Board and on eligibility criteria and minimum levels of performance for training providers established by the Governor in accordance with federal law. Direct the committee to evaluate and make non-binding recommendations on enhancing or improving the overall performance of Workforce Investment Act worker training. Provide for composition of the study committee; direct that staffing be provided by the appropriate Senate and House committees and that members serve without compensation. Require a quorum be present to meet and that the study committee comply with FOIA requirements. Direct that a report be submitted to the General Assembly and the Governor by July 1, 2012, after which the committee shall be dissolved. Sponsor: Reps. Cobb-Hunter.

**89.153.** (GP: WIA Investment Board Training Fund Allocation Study Committee) (A) There is a created a study committee to study and review the parameters on the allocation of training funds set by the State Workforce Investment Board and eligibility criteria and

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

minimum levels of performance for training providers established by the Governor pursuant to federal law. The committee shall evaluate and make non-binding recommendations on areas in which these parameters and criteria may be enhanced to improve the overall performance of worker training provided by the Workforce Investment Act.

(B) The study committee must be composed of the five members, one of whom is appointed by the Speaker of the House, one of whom is appointed by the President Pro Tempore of the Senate, one of whom is appointed by the House Minority Leader, one of whom is appointed by the Senate Minority Leader, and one of whom is appointed by the Governor. The members of the study committee shall elect a chairman.

(C) The study committee shall accept committee staffing and coordination from the appropriate committees of the Senate and House of Representatives. The members of the study committee shall serve without mileage, per diem, and subsistence. The study committee shall meet as often as is necessary, and shall convene no later than sixty days after the effective date of this act.

(D) A meeting of the study committee may not take place without a quorum of its membership and must comply with all requirements of the South Carolina Freedom of Information Act.

(E) The study committee shall submit its report to the General Assembly and the Governor no later than July 1, 2012, at which point the study committee shall dissolve.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

89.153. (GP: WIA Investment Board Training Fund Allocation Study Committee)

**DELETED**

**89.156 DELETE NEW PROVISO** (Staffing Standards for Nursing Home) **HOU:** ADD new proviso to direct the following nursing home staffing standards be enforced: nursing homes shall provide sufficient non-licensed nursing staff for a minimum of 1.63 hours of direct care per resident per day; nursing homes shall have one licensed nurse per shift for each staff work area. Direct that all other staffing & non-staffing standards established in Standards for Licensing Nursing Homes 24A S.C. Code Ann. Regs 61-17 shall be enforced. Sponsor: Rep. Cooper.

89.156. (GP: Staffing Standards for Nursing Home) For the current fiscal year, in the course of regulating nursing homes, staffing standards shall be enforced as follows: the nursing home shall provide non-licensed nursing staff to provide a minimum of one and sixty three hundredths (1.63) hours of direct care per resident per day. There shall be one licensed nurse per shift for each staff work area. All other staffing standards and non-staffing standards established in Standards for Licensing Nursing Homes: 24A S.C. Code Ann. Regs. 61-17 (Supp. 2008), shall be enforced as written.

**SFC:** DELETE new proviso. A Joint Resolution will be filed that combines amendments to provisos 89.148 and 89.156 to be considered in conjunction with H.3700, FY 2011-12 Appropriation Bill.

**SEN:** ADOPT deletion of new proviso.

89.156. (GP: Staffing Standards for Nursing Home) DELETED

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

- 89.157** **ADD** (Victims Assistance Transfer) **SFC:** ADD new proviso to require the Department of Corrections to transfer \$20,500 monthly to DPS for distribution through the State Victim Assistance Program.  
**SEN:** ADOPT new proviso.

*89.157. (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the Department of Public Safety for distribution through the State Victims Assistance Program.*

- 89.158** **AMEND NEW PROVISO** (DOC & PPP Potential Consolidation Plan) **SFC:** ADD new proviso to allow the Directors of the Department of Corrections and the Department of Probation, Parole, and Pardon Services to collaborate and develop a plan to consolidate functions. Allow the departments, if the directors identify functions that would enable the departments to operate more efficiently and effectively during the current fiscal year, to implement such actions upon approval of the Governor and notification to Chairmen of the Senate Finance, House Ways and Means, Senate Corrections and Penology, and House Judiciary Committees and direct that the notification include an estimate of cost savings and anticipated efficiencies.  
**SEN:** AMEND new proviso to delete the authorization for the departments to immediately implement consolidation of functions. Sponsor: Sen. Malloy.

*89.158. (GP: DOC & PPP Potential Consolidation Plan) From the funds appropriated to the Department of Corrections and the Department of Probation, Parole and Pardon Services, the directors of the departments may collaborate and develop a plan to consolidate the functions of the departments.*

- 89.159** **ADD** (Reporting Compensation From Non-Profit Organization) **SFC:** ADD new proviso to require a member of the General Assembly to report to the Senate Legislative Ethics Committee, the House Legislative Ethics Committee, and the State Ethics Commission if they receive compensation from a non-profit organization that receives state funds. Direct that the report include their name, terms of employment and compensation.  
**SEN:** ADOPT new proviso.

*89.159. (GP: Reporting Compensation From Non-Profit Organization) If a member of the General Assembly receives compensation from a non-profit organization that receives funding from the state, the member must annually provide to the Senate Legislative Ethics Committee, the House Legislative Ethics Committee, and the State Ethics Commission the member's name, terms of employment, and compensation.*

- 89.162** **ADD** (Privatization Approval) **SEN:** ADD new proviso to prohibit a state agency, department, board, or commission from expending or contracting to expend more than \$500,000 to privatize a service or staffing position the entity performed or staffed in the prior fiscal year unless the majority of the B&C Board has approved the expenditure and prohibit an entity from also expending or contracting more than \$1,000,000 for the same purpose without the approval of the General Assembly by joint resolution. Sponsors: Sen. Hutto, Reese, Scott, and McConnell. **AMEND** new proviso to direct that these restrictions do not apply to any public institution of higher learning, the State Ports Authority, or the Public Service Authority. Sponsor: Sen. Hutto.

*89.162. (GP: Privatization Approval) In the current fiscal year, without approval of a majority of the Budget and Control Board, a state agency, department, board, or commission*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

shall not expend or contract to expend more than \$500,000 to privatize a service or staffing position performed by the entity and its employees in the previous fiscal year. Further, an entity shall not expend or contract to expend more than \$1,000,000 to privatize a service or staffing position performed by the entity and its employees in the previous fiscal year without approval, by joint resolution, of the General Assembly. This paragraph does not apply to any public institution of higher learning, as defined in Section 59-103-5, the South Carolina State Ports Authority, and the South Carolina Public Service Authority.

- 89.163** **ADD** (USC Greenville Medical School) **SEN:** ADD new proviso to state the intent of the General Assembly that no general funds be appropriated for the new medical school at USC in Greenville during FY 11-12. Prohibit USC from transferring any state funds from any state earmarked or restricted funds to the medical school except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical school that are specifically designated for the new medical school. Sponsor: Sen. McConnell.

**89.163.** (GP: USC Greenville Medical School) It is the intent of the General Assembly that during Fiscal Year 2011-12, no general funds shall be appropriated for the new medical school at the University of South Carolina in Greenville. In addition, no state funds may be transferred from state earmarked or restricted funds held by the University of South Carolina to the medical school except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical school at the University of South Carolina in Greenville that are specifically designated for the medical school at the University of South Carolina in Greenville.

- 89.164** **ADD** (State Symbols) **SEN:** ADD new proviso to prohibit state funds from being used during the current fiscal year to promote, record, or memorialize any new official state symbols, emblems, or designations not codified by July 1, 2011. Sponsor: Sen. Peeler.

**89.164.** (GP: State Symbols) For the current fiscal year, no state funds shall be used to promote, record, or memorialize any new official state symbols, emblems, or designations not yet codified by July 1, 2011.

- 89.165** **ADD** (Retirement Investment Commission) **SEN:** ADD new proviso to require the Retirement System Investment Commission to submit a plan for salary bonuses to the Senate Finance Retirement Subcommittee by January 15<sup>th</sup> and require subcommittee approval of the plan prior to implementation. Sponsors: Sen. Setzler, Ryberg, and Alexander.

**89.165.** (GP: Retirement Investment Commission) Of the funds appropriated, the Retirement System Investment Commission shall submit a report to the Senate Finance Retirement Subcommittee by January 15th that sets forth a plan regarding salary bonuses. The plan must be approved by the subcommittee before implementation.

- 89.166** **ADD** (Higher Education Excellence Enhancement Program) **HOU2:** ADD new proviso to direct that Higher Education Excellence Enhancement Program funds be allocated equally among eligible institutions in accordance with statute. Authorize CHE to retain, carry forward, and expend these prior year funds for the same purpose. Sponsor: Rep. Cooper. *Note: Proviso 89.157 in HOU2 version.*

**89.166.** (GP: Higher Education Excellence Enhancement Program) All funds appropriated for the Higher Education Excellence Enhancement Program shall be allocated equally among the eligible institutions in accordance with statute. The Commission on Higher Education is

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

authorized to retain and carry forward these funds from the prior fiscal year into the current fiscal year to be expended for the same purpose.

- 89.167** **ADD** (Lobbying Surcharge) **HOU2:** ADD new proviso to authorize the Ethics Commission to charge each lobbyists and lobbyist's principal a \$100 surcharge in addition to the registration fee currently authorized by law. Direct that 50% of the surcharge be remitted to the general fund and 50% be retained by the commission and be used to offset costs associated with administering and enforcing Chapter 17 of Title 2 [LOBBYISTS AND LOBBYING] and Chapter 13 of Title 8 [ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM]. Authorize excess funds to be carried forward and used for the same purpose. Sponsor: Rep. Cooper. *Note: Proviso 89.158 in HOU2 version.*

**89.167.** (GP: Lobbying Surcharge) In addition to the lobbyist and lobbyist's principal registration fee authorized by law, the State Ethics Commission is authorized to charge each lobbyist and lobbyist's principal a \$100 surcharge. Fifty percent of the surcharge shall be remitted to the general fund and the remaining fifty percent shall be retained by the commission to be used to offset costs associated with the administration and enforcement of Chapter 17 of Title 2 and Chapter 13 of Title 8 of the South Carolina Code of Laws, 1976, as amended. Any excess funds may be carried forward into the current fiscal year to be used for the same purpose.

- 89.168** **ADD** (Caterpillar Dealer Academy Tuition) **HOU2:** ADD new proviso to direct that all students who attend the Caterpillar Dealer Academy pay the same tuition rate. Sponsor: Rep. Cooper. *Note: Proviso 89.160 in HOU2 version.*

**89.168.** (GP: Caterpillar Dealer Academy Tuition) All students who attend the Caterpillar Dealer Academy operated by the Florence-Darlington Technical College shall pay the same tuition rate.

- 89.169** **ADD** (Noncommercial Pesticide Applicator Surcharge) **HOU2:** ADD new proviso to authorize Clemson PSA to charge an annual \$50 licensing surcharge to all noncommercial pesticide applicators and retain, expend, and carry forward these funds to maintains its programs. Sponsor: Rep. Cooper. *Note: Proviso 89.161 in HOU2 version.*

**89.169.** (CU-PSA: Noncommercial Pesticide Applicator Surcharge) Clemson University Public Service Activities are authorized to charge an annual fifty dollar licensing surcharge to all noncommercial pesticide applicators. Clemson University-PSA may retain, expend, and carry forward these funds to maintain its programs.

**SECTION 90 - X91-STATEWIDE REVENUE**

- 90.6** **REINSERT** (LGF) Suspends Section 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] for the current fiscal year.  
**WMC:** DELETE proviso.  
**HOU:** ADOPT deletion of proviso.

~~**90.6.** (SR: LGF) For the current fiscal year, Section 6 27 30 of the 1976 Code is suspended.~~

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SFC:** REINSERT original proviso.

**SEN:** ADOPT original proviso.

**90.6.** (SR: LGF) For the current fiscal year, Section 6-27-30 of the 1976 Code is suspended.

**90.16** **AMEND NEW PROVISO FURTHER** (Health Care Maintenance of Effort Funding)  
**WMC:** ADD new proviso to direct that the source of funds in this provision is \$157,299,845 from the 50 cent cigarette surcharge collected in FY 10-11 and FY 11-12 and deposited in the SC Medicaid Reserve Fund. Direct the Department of Health and Human Services to use these funds for the Medicaid Program's maintenance of effort. Require residual funds from the surcharge to remain in the fund and authorize the director of the HHS to use the funds to ensure access to care. Authorize unexpended funds appropriated by this provision to be carried forward and used for the same purpose.  
**HOU:** ADOPT new proviso.

*90.16. (SR: Health Care Maintenance of Effort Funding) The source of funds appropriated in this provision is \$157,299,845 from the revenue collected during Fiscal Year 2010-11 and Fiscal Year 2011-12 from the 50 cent cigarette surcharge and deposited into the SC Medicaid Reserve Fund and shall be utilized by the Department of Health and Human Services for the Medicaid Program's maintenance of effort. By this provision these funds are deemed to have been received and are available for appropriation.*

*The residual funds from the cigarette surcharge shall remain in the S.C. Medicaid Reserve Fund and may be used by the director of the Department of Health and Human Services to ensure access to care.*

*Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.*

**SFC:** AMEND new proviso to require the department, within 90 days after the fiscal year begins, to develop methods and criteria to determine how access issues will be identified, assessed, and addressed. Require the Chairmen of the Senate Finance and House Ways and Means Committees to be notified 30 days before the funds may be used.

**SEN:** AMEND FURTHER to specify that the funds are to be used to ensure access to care "in rural and underserved areas of the state." Require the department to provide an assessment of access to care as part of the reporting requirements required by proviso 21.48 (Medicaid Reporting). Prohibit the director from accessing residual funds before January 31, 2012; require a proposal be submitted to the General Assembly by January 1, 2012 on how the funds would be used; and allow the director to access the residual funds as proposed, if the General Assembly does not take action on the proposal by January 31<sup>st</sup>. Sponsors: Sens. Alexander, Sheheen, and Setzler.

*90.16. (SR: Health Care Maintenance of Effort Funding) The source of funds appropriated in this provision is \$157,299,845 from the revenue collected during Fiscal Year 2010-11 and Fiscal Year 2011-12 from the 50 cent cigarette surcharge and deposited into the SC Medicaid Reserve Fund and shall be utilized by the Department of Health and Human Services for the Medicaid Program's maintenance of effort. By this provision these funds are deemed to have been received and are available for appropriation.*

*The residual funds from the cigarette surcharge shall remain in the S.C. Medicaid Reserve Fund and may be used by the director of the Department of Health and Human Services to ensure access to care in rural and underserved areas of the state. Within 90 days of the start of the fiscal year, the department shall develop methods and criteria for determining how access*

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

issues will be identified, assessed and addressed. Any use of these funds shall require 30 days prior notice to the Chairmen of the Senate Finance and House Ways and Means Committees. The department shall provide an assessment of access to care as part of the reporting requirements stipulated in Proviso 21.48, (DHHS: Medicaid Reporting). The director is not authorized to access any of the residual funds prior to January 31, 2012. The director must submit a proposal for any use of the funds to the General Assembly by January 1, 2012. If no action is taken on the proposal by the General Assembly by January 31, 2012, the director may access the residual funds as presented in the proposal.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

**90.18 AMEND NEW PROVISO FURTHER** (Nonrecurring Revenue) **WMC:** ADD new proviso to direct that the source of revenue in this provision is \$150,804,144 of non-recurring revenue transferred to the State Treasurer's Office as follows: \$71,000,600 from FY 09-10 Contingency Reserve Fund; \$68,803,544 from FY 10-11 BEA certified unobligated general fund revenue; \$1,000,000 from F03, B&C Board, Subfund 4154, Ordinary Sinking Fund; \$3,000,000 from F03, B&C Board, Subfund 3197, Motor Pool; and \$7,000,000 from R40, DMV earmarked or restricted accounts designated as "special revenue funds." Direct that these funds be available for use in FY 11-12 after the close of the state's books on FY 10-11 and that the transfers occur no later than 30 days after the close of the books. Direct that restrictions concerning use of these funds are lifted for FY 11-12. Direct the State Treasurer to disburse the following appropriations by 9-30-11: \$97,174,107 to SDE for EFA Base Student Cost; \$3,000,000 to SDE for Transportation; \$591,019 to CHE for SREB Dues; \$1,000,000 to State Bd. for Tec and Comp Ed for the CATT Program; \$45,553,657 to DHHS for Medicaid Maintenance of Effort; \$250,000 to Clemson University-PSA for Agency Operations; \$750,000 to S.C. Conservation Bank; and \$2,485,361 to B&C Board for SCEIS - Statewide Implementation. Authorize unexpended funds to be carried forward and used for the same purpose. Direct that excess FY 10-11 general fund revenue be transferred to the S.C. Medicaid Reserve Fund. Authorize DMV to suspend the license plate replacement interval until the funds transferred from the department are repaid or until the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement. Direct that funds remaining in the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008 be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations. Direct that funds distributed to offset any shortfall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the PSC, and the access fees paid by the Atlantic Compact generators. Direct that these funds also be used to maintain access fees to the facility for FY 11-12 at the FY 09-10 level and also be used to pay Southern States Energy Board annual dues.

**HOU:** ADOPT new proviso.

**HOU2:** AMEND House version to change "\$148,169,490" to "\$255,804,144;" change revenue item (2) from "\$66,168,890" to "\$173,803,544;" change appropriation item (B)(1) SDE EFA Base Student Cost from "\$97,174,107" to "\$56,174,107;" and insert new appropriation item (B)(5) for Dept. of Employment and Workforce, \$146,000,000 for Unemployment Insurance Trust Fund. Delete the directive that excess FY 10-11 revenue be transferred to the SC Medicaid Reserve Fund and instead direct that the first \$1.5 million be transferred to the Commission on Indigent Defense for the Civil Appointment Fund and the next \$1m be transferred to SLED for cleaning up meth labs. Direct that the above funds appropriated to DEW may only be used to make payments on outstanding loans from the Unemployment Insurance Trust Fund. Direct DEW to recalculate premium rates as soon as practicable after this act takes effect and to make the recalculated rates retroactive to January 1, 2011. Direct that cost savings to employers in rate class 2-20 due to general fund

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

appropriations must be allocated proportionately to each employer's responsibility to pay back the federal unemployment loan. Require employers to be notified of premium changes and to credit and adjust employer accounts as appropriate. Direct DEW to contact the Federal Government by August 1, 2011 to maximize efforts to buy the loan down to the greatest extent possible. Sponsor: Rep. Cooper.

90.18. (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in this provision is \$255,804,144 of non-recurring revenue generated from the following sources, transferred to the State Treasurer. This revenue is deemed to have occurred and is available for use in Fiscal Year 2011-12 after September 1, 2011, following the Comptroller General's close of the state's books on Fiscal Year 2010-11.

(1) \$71,000,600 from Fiscal Year 2009-10 Contingency Reserve Fund;

(2) \$173,803,544 from Fiscal Year 2010-11 unobligated general fund revenue as certified by the Board of Economic Advisors;

(3) \$1,000,000 from F03, Budget and Control Board, Subfund 4154, Ordinary Sinking Fund;

(4) \$3,000,000 from F03, Budget and Control Board, Subfund 3197, Motor Pool; and

(5) \$7,000,000 from R40, Department of Motor Vehicles from any earmarked or restricted account designated as "special revenue funds" as defined by the Comptroller General's records.

Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers shall occur no later than thirty days after the close of the books on Fiscal Year 2010-11 and shall be available for use in Fiscal year 2011-12.

(B) The State Treasurer shall disburse the following appropriations by September 30, 2011, for the purposes stated:

(1) H63-Department of Education

(a) EFA Base Student Cost.....\$ 56,174,107;

(b) Transportation.....\$ 3,000,000;

(2) H03-Commission on Higher Education

SREB Dues.....\$ 591,019;

(3) H59-State Board for Technical and Comprehensive Education

CATT Program.....\$ 1,000,000;

(4) J02-Department of Health and Human Services

Medicaid Maintenance of Effort.....\$ 45,553,657;

(5) R60-Department of Employment and Workforce

Unemployment Insurance Trust Fund.....\$ 146,000,000

(6) P20-Clemson University-PSA

Agency Operations.....\$ 250,000;

(7) P40-S.C. Conservation Bank.....\$ 750,000; and

(8) F03-Budget and Control Board

SCEIS - Statewide Implementation.....\$ 2,485,361.

Of excess Fiscal Year 2010-11 general fund revenue above the amounts appropriated in this provision, the first \$1,500,000 shall be transferred to the Commission on Indigent Defense for the Civil Appointment Fund. The next \$1,000,000 shall be transferred to the State Law Enforcement Division for cleaning up methamphetamine labs.

The funds appropriated above to the Department of Employment and Workforce may only be used by the department to make payments on outstanding loans from the Unemployment Insurance Trust Fund. As soon as practicable after the effective date of this act, the Department of Employment and Workforce is directed to recalculate premium rates. The recalculated premium rates shall be retroactive to January 1, 2011. Any cost savings to employers in rate class 2-20 due to general fund appropriations in any particular year must be

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

allocated proportionately to each employer with respect to each respective employer's responsibility in paying back the federal unemployment loan that particular year and must be administered by the department. Employers must be notified of changes in the premiums due and employer accounts must be credited and adjusted as appropriate. The Department of Employment and Workforce is directed to contact the Federal Government by August 1, 2011, to maximize efforts to buy the loan down to the greatest extent possible.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

(C) For Fiscal Year 2011-12, the license plate replacement interval is suspended until the funds transferred from the department within this provision are repaid to the department or until such time as the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement.

(D) From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, the remaining funds shall be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls shall also be used to maintain access fees to the facility for Fiscal Year 2011-12 at the Fiscal Year 2009-10 level. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.

**SFC:** AMEND new proviso to change the amount of revenue from “\$150,804,144” to “\$148,169,490.” Change the amount of unobligated general fund revenue certified by the BEA from “\$68,803,544” to “\$66,168,890.” Direct that the \$7 million from DMV shall only be transferred to the State Treasurer if the funds transferred from DMV by Proviso 90.10 of Act 291 of 2010 have been repaid pursuant to Proviso 90.9 of Act 291 of 2010. Change Medicaid Maintenance of Effort from “\$45,553,657” to “\$45,792,598” Add “\$611,766” for DPS Illegal Immigration. Provide a contingency directive for the appropriations in this provision to be reduced pro-rata if the identified amount of FY 10-11 unobligated general fund revenue is not realized and if the \$7 million is not transferred from DMV.

**SEN:** AMEND FURTHER to transfer the first \$100 million of excess FY 10-11 general fund revenue above the amounts appropriated in this provision to the Department of Employment and Workforce (DEW) for payments on Unemployment Insurance Trust Fund outstanding loans. Sponsors: Sens. Leatherman, Ryberg, Bright, Campsen, Cleary, Alexander, Campbell, Davis, Rose, and Elliott.

AMEND FURTHER to direct that if the FY 10-11 unobligated general fund revenues as certified by the BEA does not total at least \$66,168,890, the Medicaid Maintenance of Effort funds appropriated in this provision must be reduced to cover the difference and if that amount is not sufficient the remaining appropriations in this provision must be reduced pro rata. Sponsor: Sen. Massey.

AMEND FURTHER to direct that the next \$100,000 be transferred to DHEC for Donate Life SC to maintain the organ donor registry. Sponsor: Sen. Fair.

AMEND FURTHER to direct that the first \$1.5 million of excess FY 10-11 general fund revenue above the amounts appropriated in this provision be transferred to the Commission on Indigent Defense for the Civil Appointment Fund and the next \$100 million be transferred to DEW. Sponsor: Sen. Massey.

AMEND FURTHER to direct that after the \$100,000 to DHEC, the next \$1 million be transferred to SLED for cleaning up meth labs. Sponsor: Sen. Fair.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

90.18. (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in this provision is \$148,169,490 of non-recurring revenue generated from the following sources, transferred to the State Treasurer. This revenue is deemed to have occurred and is available for use in Fiscal Year 2011-12 after September 1, 2011, following the Comptroller General's close of the state's books on Fiscal Year 2010-11.

(1) \$71,000,600 from Fiscal Year 2009-10 Contingency Reserve Fund;

(2) \$66,168,890 from Fiscal Year 2010-11 unobligated general fund revenue as certified by the Board of Economic Advisors;

(3) \$1,000,000 from F03, Budget and Control Board, Subfund 4154, Ordinary Sinking Fund;

(4) \$3,000,000 from F03, Budget and Control Board, Subfund 3197, Motor Pool; and

(5) \$7,000,000 from R40, Department of Motor Vehicles from any earmarked or restricted account designated as "special revenue funds" as defined by the Comptroller General's records if the funds transferred from the Department of Motor Vehicles by Proviso 90.10 of Act 291 of 2010 have been repaid pursuant to Proviso 90.9 of Act 291 of 2010.

Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers shall occur no later than thirty days after the close of the books on Fiscal Year 2010-11 and shall be available for use in Fiscal year 2011-12.

(B) The State Treasurer shall disburse the following appropriations by September 30, 2011, for the purposes stated:

(1) H63-Department of Education

(a) EFA Base Student Cost.....\$ 97,174,107;

(b) Transportation.....\$ 3,000,000;

(2) H03-Commission on Higher Education

SREB Dues.....\$ 591,019;

(3) H59-State Board for Technical and Comprehensive Education

CATT Program.....\$ 1,000,000;

(4) J02-Department of Health and Human Services

Medicaid Maintenance of Effort.....\$ 45,792,598; and

(5) K05-Department of Public Safety

Illegal Immigration.....\$ 611,766.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

Of excess Fiscal Year 2010-11 general fund revenue above the amounts appropriated in this provision, there is first transferred up to \$1,500,000 to the Commission on Indigent Defense for the Civil Appointment Fund. The next \$100,000,000 of any excess Fiscal Year 2010-11 general fund revenue above the amounts appropriated in this provision shall be transferred to the Department of Employment and Workforce and shall be placed in an account to be titled the Department of Employment and Workforce Unemployment Insurance Trust Fund. These funds may only be used by the Department of Employment and Workforce to make payments on outstanding loans from the Unemployment Insurance Trust Fund. The next \$100,000 shall be transferred to the Department of Health and Environmental Control for Donate Life SC to maintain the organ donor registry. The next \$1,000,000 shall be transferred to the State Law Enforcement Division for cleaning up methamphetamine labs.

In the event that the Fiscal Year 2010-11 unobligated general fund revenue as certified by the Board of Economic Advisors does not total at least \$66,168,890, then the appropriations in subsection (B)(4) of this provision for Medicaid Maintenance of Effort shall be reduced to cover the amounts not realized. If the reduction in the Medicaid Maintenance of Effort appropriation is not sufficient to cover the amounts not realized, then the remaining appropriations in this provision shall be reduced on a pro-rata basis by an amount sufficient to cover the amounts not realized. In the event that \$7,000,000 is not transferred from the

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

Department of Motor Vehicles, then the remaining appropriations in this provision shall be reduced on a pro-rata basis.

(C) For Fiscal Year 2011-12, the license plate replacement interval is suspended until the funds transferred from the department within this provision are repaid to the department or until such time as the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement.

(D) From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, the remaining funds shall be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls shall also be used to maintain access fees to the facility for Fiscal Year 2011-12 at the Fiscal Year 2009-10 level. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.

**90.20 AMEND NEW PROVISO FURTHER (Prohibit Public Funded Lobbyists) HOU:** ADD new proviso to direct the Office of State Budget to permanently reduce \$1,007,585 from the specified agency’s allocations/authorizations in order to eliminate taxpayer funded lobbying: \$22,000 from Administrative Law Court; \$16,881 from The Citadel; \$45,480 from Clemson University; \$20,230 from Coastal Carolina University; \$70,833 from College of Charleston; \$37,708 from DHEC; \$124,654 from State Board for Tec & Comp Education; \$10,001 from Florence-Darlington Technical College; \$31,783 from Greenville Technical College; \$1,183 from Horry-Georgetown Technical College; \$55,545 from Tri-County Technical College; \$94,000 from Francis Marion University; \$59,164 from Judicial Department; \$118,949 from MUSC; \$17,157 from DNR; \$134,405 from State Ports Authority; \$19,290 from Prosecution Coordination Commission; \$34,654 from Public Service Commission; \$20,000 from S.C. State University; \$53,368 from USC; \$11,000 from USC-Upstate; and \$9,300 from Winthrop University. Sponsors: Reps. Cooper and Bingham.  
**HOU2:** ADOPT Senate version and AMEND FURTHER to prohibit state agencies and institutions from using “general fund appropriations” to hire private or contract lobbyists. Sponsor: Rep. Cooper.

90.20. (SR: Prohibits Public Funded Lobbyists) In order to eliminate taxpayer funded lobbying, the following state agencies and institutions, for Fiscal Year 2011-12, shall transfer the amounts indicated to the General Fund:

<u>Administrative Law Court .....</u>	<u>\$</u>	<u>22,000</u>
<u>The Citadel .....</u>	<u>\$</u>	<u>16,881</u>
<u>Clemson University.....</u>	<u>\$</u>	<u>45,546</u>
<u>Coastal Carolina University.....</u>	<u>\$</u>	<u>20,230</u>
<u>College of Charleston.....</u>	<u>\$</u>	<u>34,000</u>
<u>Department of Health &amp; Environmental Control.....</u>	<u>\$</u>	<u>26,553</u>
<u>State Board for Technical &amp; Comprehensive Education.....</u>	<u>\$</u>	<u>22,431</u>
<u>Florence-Darlington Technical College .....</u>	<u>\$</u>	<u>10,001</u>
<u>Greenville Technical College.....</u>	<u>\$</u>	<u>31,783</u>
<u>Horry-Georgetown Technical College.....</u>	<u>\$</u>	<u>1,183</u>
<u>Tri-County Technical College.....</u>	<u>\$</u>	<u>55,545</u>
<u>Francis Marion University.....</u>	<u>\$</u>	<u>23,500</u>
<u>Judicial Department.....</u>	<u>\$</u>	<u>59,164</u>
<u>Medical University of South Carolina.....</u>	<u>\$</u>	<u>80,380</u>
<u>Department of Natural Resources.....</u>	<u>\$</u>	<u>17,157</u>

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

<u>Prosecution Coordination Commission.....</u>	<u>\$ 19,290</u>
<u>South Carolina State University.....</u>	<u>\$ 20,000</u>
<u>University Of South Carolina.....</u>	<u>\$ 53,368</u>
<u>University of South Carolina-Upstate.....</u>	<u>\$ 11,000</u>
<u>Winthrop University.....</u>	<u>\$ 9,300</u>
<u>Lander University.....</u>	<u>\$ 25,000</u>
<u>Total.....</u>	<u>\$ 604,312</u>

All state agencies and institutions are prohibited from using general fund appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying activities were not funded by general fund appropriations.

All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide lobbying services to the agency or institution.

**SFC:** AMEND new proviso to direct the listed agencies to transfer a specific amount of funds to the General fund. Prohibit state agencies and institutions from using general funds to pay employees to lobby on their behalf. Direct the State Ethics Commission to require agencies and institutions who report lobbying activities to certify that the lobbying is not being paid for with general funds and prohibit state agencies and institutions from hiring private or contract lobbyists.

**SEN:** ADOPT new proviso as amended.

90.20. (SR: Prohibits Taxpayer Funded Lobbyists) In order to eliminate taxpayer funded lobbying, the following state agencies and institutions, for Fiscal Year 2011-12, shall transfer the amounts indicated to the General Fund:

<u>Administrative Law Court.....</u>	<u>\$ 22,000</u>
<u>The Citadel.....</u>	<u>\$ 16,881</u>
<u>Clemson University.....</u>	<u>\$ 45,546</u>
<u>Coastal Carolina University.....</u>	<u>\$ 20,230</u>
<u>College of Charleston.....</u>	<u>\$ 34,000</u>
<u>Department of Health &amp; Environmental Control.....</u>	<u>\$ 26,553</u>
<u>State Board for Technical &amp; Comprehensive Education.....</u>	<u>\$ 22,431</u>
<u>    Florence-Darlington Technical College.....</u>	<u>\$ 10,001</u>
<u>    Greenville Technical College.....</u>	<u>\$ 31,783</u>
<u>    Horry-Georgetown Technical College.....</u>	<u>\$ 1,183</u>
<u>    Tri-County Technical College.....</u>	<u>\$ 55,545</u>
<u>Francis Marion University.....</u>	<u>\$ 23,500</u>
<u>Judicial Department.....</u>	<u>\$ 59,164</u>
<u>Medical University of South Carolina.....</u>	<u>\$ 80,380</u>
<u>Department of Natural Resources.....</u>	<u>\$ 17,157</u>
<u>Prosecution Coordination Commission.....</u>	<u>\$ 19,290</u>
<u>South Carolina State University.....</u>	<u>\$ 20,000</u>
<u>University Of South Carolina.....</u>	<u>\$ 53,368</u>
<u>University of South Carolina-Upstate.....</u>	<u>\$ 11,000</u>
<u>Winthrop University.....</u>	<u>\$ 9,300</u>
<u>Lander University.....</u>	<u>\$ 25,000</u>
<u>Total.....</u>	<u>\$ 604,312</u>

All state agencies and institutions are prohibited from using general fund appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics Commission shall require state agencies and institutions that report lobbying

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

activities to the commission to certify that the lobbying activities were not funded by general fund appropriations.

All state agencies and institutions are prohibited from entering into contracts to provide lobbying services to the agency or institution.

- 90.21 AMEND NEW PROVISO FURTHER** (Nonrecurring Revenue - Increased Enforcement Collections) **HOU2:** ADD new proviso to direct the Department of Revenue to continue increased enforcement collections efforts as established in FY 2009-10. Authorize the department to collect revenues from foreign collections within its jurisdiction including, but not limited to, corporate, individual or sales tax collections, but directs the department to especially focus on enforced collections and outstanding liabilities owed the state. Direct the department to use enforced collections funds they previously received to fund foreign auditors to conduct foreign audits of multi-national and international corporations. Add the following Senate directives: direct DOR, when applying the State's revenue statutes, to make their interpretation based solely on the plain meaning of the statute's text and legislative intent that gave rise to the enactment of the statutes; .prohibit terms used in tax statutes from being given broader meaning beyond the meaning of the statute; require DOR report to the Chairmen of the Senate Finance and House Ways and Means Committees at least twice during the fiscal year on any ambiguity discovered in the meaning of a revenue statute; require the first report be submitted by November 1<sup>st</sup> and the second report be submitted by May 1<sup>st</sup>; direct that funds collected be deposited into a fund separate and distinct from the general fund within the State Treasurer's Office, except direct that motor fuel funds collected as a result of the enforced collection efforts be distributed in the same manner as other motor fuel tax revenues are currently distributed; direct the department, when it determines quarterly customary and usual enforced collections have been exceeded, to deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision; and direct the State Treasurer, for FY 11-12, to disburse funds. Add requirement that the funds accumulated in the fund, prior to the close of the books on FY 11-12, be transferred to the General Reserve Fund, up to the amount needed to meet the constitutional five percent requirement. Provide a schedule of required quarterly General Fund enforced collections that must be made prior to collections being deposited into and distributions being made from the separate fund. Require DOR report quarterly to the finance committees and to the BEA on funds collected pursuant to this provision. Authorize funds appropriated by this provision to be carried forward and expended for the same purpose. Sponsor: Rep. Cooper.

90.21. (SR: Nonrecurring Revenue – Increased Enforcement Collections) For Fiscal Year 2011-12, the Department of Revenue shall continue its efforts pertaining to increased enforcement collections as established in Fiscal Year 2009-10.

The department may collect revenues from foreign collections within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.

Funding previously received by the department for enforced collections shall be used to fund foreign auditors to conduct foreign audits of multi-national and international corporations. Personnel may include revenue officers and criminal investigators. These employees will focus on collecting outstanding liabilities owed to this state.

During the current fiscal year, in applying the revenue statutes of this State, the department's interpretation of those statutes must be based solely on the plain meaning of the statute's text and the legislative intent giving rise to the enactment of the statutes. Terms contained in the tax statutes of this State may not be given broader meaning beyond the meaning of the statute. At least twice during the fiscal year, the department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

and Means Committee regarding any discovered ambiguity in the meaning of a revenue statute. The first report must be submitted no later than November first and the second report must be submitted no later than May first of the fiscal year.

The funds collected under this provision shall be deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed.

When the department determines that quarterly enforced collections have exceeded the schedule provided in this provision, the department shall deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision. The State Treasurer shall disburse funds in the following manner.

Prior to the close of the books on Fiscal Year 2011-12, the funds accumulated in the aforementioned separate and distinct fund shall be transferred to the General Reserve Fund, up to the amount necessary to meet the constitutional five percent requirement.

To insure that customary and usual enforced collections are unaffected by this provision, the Office of the State Treasurer may not disburse funds from this account until the following schedule of General Fund enforced collections are deposited by the Department of Revenue by the end of each quarter in the fiscal year. If quarterly General Fund enforced collections do not reach the required levels, distributions from this account are suspended for that quarter. The required deposits of quarterly General Fund enforced collections by the end of each quarter are:

<u>July to September 2011</u>	<u>\$11,250,000</u>
<u>October to December 2011</u>	<u>\$22,500,000</u>
<u>January to March 2012</u>	<u>\$33,750,000</u>
<u>April to June 2012</u>	<u>\$45,000,000</u>

The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the amount of customary and usual enforced collections and the excess collections from the enhanced collection activities. The Department of Revenue shall provide assistance to the Board of Economic Advisors to assist in monitoring revenue collection seasonal flows that impact the funding of state government programs.

By this provision these funds are deemed to have been received and are available for appropriation.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purpose.

**SFC:** ADD new proviso to direct the Department of Revenue to continue increased enforcement collections efforts as established in FY 2009-10. Authorize the department to collect revenues from any source within its jurisdiction, including, but not limited to, corporate, individual or sales tax collections, but direct the department to especially focus on enforced collections and outstanding liabilities. Direct that funds received for this purpose be used to hire additional foreign auditors to conduct foreign audits of multi-national and international corporations and to hire office auditors to complete tape matches of completed and agreed upon federal audits. Direct that funds collected be deposited into a fund separate and distinct from the general fund within the State Treasurer's Office, except direct that motor fuel funds collected as a result of the enforced collection efforts be distributed in the same manner as other motor fuel tax revenues are currently distributed. Direct the department, when it determines quarterly customary and usual enforced collections have been exceeded, to deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision. Direct the State Treasurer, for FY 11-12, to disburse specific amounts to identified agencies.

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

**SEN:** AMEND new proviso to direct the Department of Revenue, when applying the State’s revenue statutes, to make their interpretation based solely on the plain meaning of the statute’s text and legislative intent that gave rise to the enactment of the statutes. Prohibit terms used in tax statutes from being given broader meaning beyond the meaning of the statute. Require the DOR to report to the Chairmen of the Senate Finance and House Ways and Means Committees at least twice during the fiscal year on any ambiguity discovered in the meaning of a revenue statute. Require the first report be submitted by November 1<sup>st</sup> and the second report be submitted by May 1<sup>st</sup>. Sponsors: Sens. McConnell, S. Martin, and Massey. AMEND FURTHER to change item (4) from “E12-Comptroller General Supplemental Appropriation \$260,000” to “K05-Department of Public Safety Highway Patrol \$260,000.” Sponsor: Sen. Sheheen.

90.21 (SR: Nonrecurring Revenue – Increased Enforcement Collections) For Fiscal Year 2011-12, the Department of Revenue shall continue its efforts pertaining to increased enforcement collections as established in Fiscal Year 2009-10.

The department may collect revenues from any source within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.

Funding received by the department to accomplish the needed enforced collections as required by this provision shall be used to hire additional foreign auditors to conduct foreign audits of multi-national and international corporations. In addition, office auditors may be hired to complete tape matches of completed and agreed upon federal audits. Additional personnel may include revenue officers and criminal investigators. These employees will focus on collecting outstanding liabilities owed to this state.

During the current fiscal year, in applying the revenue statutes of this State, the department's interpretation of those statutes must be based solely on the plain meaning of the statute's text and the legislative intent giving rise to the enactment of the statutes. Terms contained in the tax statutes of this State may not be given broader meaning beyond the meaning of the statute. At least twice during the fiscal year, the department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding any discovered ambiguity in the meaning of a revenue statute. The first report must be submitted no later than November first and the second report must be submitted no later than May first of the fiscal year.

The funds collected under this provision shall be deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed.

When the department determines that quarterly enforced collections have exceeded the schedule provided in this provision, the department shall deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision.

For the fiscal year beginning July 1, 2011 and ending June 30, 2012, of the first \$48,080,667 in enforced collections resulting from increased enforcement, the State Treasurer shall disburse 58.4% to the Department of Health and Human Services for Medicaid Maintenance of Effort and 41.6% to the Department of Education for the Education Foundation Supplement so that the resulting amount of remittances are:

J02-Department of Health and Human Services -Medicaid  
Maintenance of Effort..... \$ 28,080,667;  
H63-Department of Education - Education Foundation  
Supplement..... \$ 20,000,000;

For the fiscal year beginning July 1, 2011 and ending June 30, 2012, the State Treasurer shall disburse quarterly the following funds on a pro rata basis:

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

<u>(1) N04-Department of Corrections</u>	
a) YOA Intensive Supervision.....	\$ 6,811,150;
b) Safety Equipment.....	\$ 500,000;
<u>(2) J04-Department of Health and Environmental Control</u>	
a) Vaccine Purchases for Underinsured Children .....	\$ 1,682,551;
b) Aids Drug Assistance Program (ADAP) .....	\$ 2,000,000;
c) <u>Infectious Diseases Prevention</u>	
1) Disease Prevention and Testing .....	\$ 2,000,000
2) HIV Prevention Faith Based Initiatives.....	\$ 800,000;
d) Hemophilia Assistance Program.....	\$ 100,000;
e) <u>Cancer Screenings-Best Chance Network &amp;         Colon Cancer Screenings (SCOPE) .....</u>	
	\$ 2,000,000;
<u>(3) H03-Commission on Higher Education</u>	
<u>Technology: Public Four-Year Universities, Two-Year         Institutions, and State Technical Colleges.....</u>	
	\$ 2,677,271;
<u>(4) K05-Department of Public Safety</u>	
Highway Patrol.....	\$ 260,000;
<u>(5) E21-Prosecution Coordination Commission</u>	
Alcohol Education Program Hardware and Software.....	\$ 100,000;
<u>(6) E28-Election Commission</u>	
2012 Primary Election.....	\$ 253,000;
<u>(7) F03-Budget and Control Board</u>	
SCEIS Statewide Implementation .....	\$ 2,485,361;
<u>(8) D10-State Law Enforcement Division</u>	
Data Master Upgrade.....	\$ 2,000,000;
<u>(9) K05-Department of Public Safety</u>	
Highway Patrol Overtime.....	\$ 5,000,000;
<u>(10) E04-Lieutenant Governor's Office</u>	
Home and Community Based Services .....	\$ 1,500,000;
<u>(11) P16-Department of Agriculture</u>	
Agri-Business Economic Development .....	\$ 500,000;
<u>(12) P20-Clemson University-PSA</u>	
Agency Operations.....	\$ 500,000; and
<u>(13) P21-South Carolina State University-PSA</u>	
1890 Research Extension.....	\$ 750,000.

To insure that customary and usual enforced collections are unaffected by this provision, the Office of the State Treasurer may not disburse funds from this account until the following schedule of General Fund enforced collections are deposited by the Department of Revenue by the end of each quarter in the fiscal year. If quarterly General Fund enforced collections do not reach the required levels, distributions from this account are suspended for that quarter. The required deposits of quarterly General Fund enforced collections by the end of each quarter are:

<u>July to September 2011</u>	<u>\$ 90,000,000</u>
<u>October to December 2011</u>	<u>\$180,000,000</u>
<u>January to March 2012</u>	<u>\$270,000,000</u>
<u>April to June 2012</u>	<u>\$360,000,000</u>

The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the amount of customary and usual enforced collections and the excess collections from the enhanced collection activities. The Department of Revenue shall provide assistance to the Board of Economic Advisors to

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

assist in monitoring revenue collection seasonal flows that impact the funding of state government programs.

By this provision these funds are deemed to have been received and are available for appropriation.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purpose.

- 90.22** **ADD** (Excess FY 11-12 Revenue - SC Conservation Bank) **SEN:** ADD new proviso to direct that the first \$2,000,000 of any unobligated FY 11-12 surplus revenues above the amount certified by the BEA be transferred to the S.C. Conservation Bank prior to the close of the books on FY 11-12. Authorize these funds to be carried forward and expended for the same purpose. Sponsor: Sen. Sheheen.

90.22. (SR: Excess FY 11-12 Revenue - SC Conservation Bank) Prior to the close of the books for Fiscal Year 2011-12, to the extent that unobligated Fiscal Year 2011-12 surplus revenues above the amount certified by the Board of Economic Advisors are available, the State Treasurer is directed to transfer the first \$2,000,000 to the South Carolina Conservation Bank. The South Carolina Conservation Bank may retain and carry forward unexpended funds to succeeding fiscal years and expend these funds for the same purpose.

- 90.23** **ADD** (Admissions Tax) **HOU:** ADD Senate new proviso and AMEND to direct that the funds be “retained by” the motorsports entertainment complex facility rather than be “rebated to.” Sponsor: Rep. Cooper. Note: Proviso 90.22 in HOU2 version.

90.23. (SR: Admissions Tax) For Fiscal Year 2011-2012, up to one hundred fourteen thousand dollars in admissions tax revenue collected annually from all events held at a motorsports entertainment complex facility with at least sixty thousand permanent seats must be retained by the motorsports entertainment complex facility in the current fiscal year to keep a NASCAR race at the motorsports entertainment complex facility.

**SEN:** ADD new proviso to direct that up to \$114,000 in admissions tax revenue collected annually from a motorsports entertainment complex facility with at least 60,000 permanent seats must be rebated to the facility in the current fiscal year to keep a NASCAR race at the facility. Sponsors: Sens. Malloy, S. Martin, and McGill.

90.23. (SR: Admissions Tax) For Fiscal Year 2011-2012, up to one hundred fourteen thousand dollars in admissions tax revenue collected annually from all events held at a motorsports entertainment complex facility with at least sixty thousand permanent seats must be rebated to the motorsports entertainment complex facility in the current fiscal year to keep a NASCAR race at the motorsports entertainment complex facility.

- 90.24** **ADD** (Additional Appropriations) **SEN:** ADD new proviso to appropriate, in addition to appropriations in Part IA and in Section 90 of this act, \$105,000,000 of recurring revenue to the Department of Education for EFA aid to school districts. Direct that the funds be allocated among school districts in the same manner as the Part IA EFA appropriation is allocated and direct the Office of State Budget to adjust the agency’s chart of accounts. Sponsor: Sen. Leatherman.

90.24. (SR: Additional Appropriations) In addition to the appropriations made in Part IA of this act and appropriations made in this SECTION, there is appropriated to the Department of Education, from recurring revenue, \$105,000,000 for Education Finance Act aid to school

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

*districts. This appropriation shall be allocated amongst the school districts in the same manner as the Part IA Education Finance Act appropriation. The Office of State Budget is directed to adjust agency chart of accounts for the amounts appropriated in this provision.*

- 90.25** **ADD** (Contingency Reserve Fund Transfers) **SEN:** ADD new proviso to transfer excess FY 10-11 general fund revenues above the amounts appropriated in proviso 90.18 (Nonrecurring Revenue) to the Contingency Reserve Fund. Sponsor: Sen. Cromer.

*90.25. (SR: Contingency Reserve Fund Transfers) Any excess Fiscal Year 2010-11 general fund revenue above the amounts appropriated in Proviso 90.18 shall be transferred to the Contingency Reserve Fund.*

- 90.26** **ADD** (Agency Deficit Notice) **SEN:** ADD new proviso to direct the Comptroller General or the Office of State Budget provide each member of the General Assembly with written notification when it reports to the B&C Board on any agency, department, or institution that is spending authorized appropriations at a rate that predicts or projects a general fund deficit and to make monthly progress reports on the entity's plan to reduce or eliminate the deficit. Sponsor: Sen. Massey.

*90.26. (SR: Agency Deficit Notice) The Comptroller General or the Office of State Budget shall (1) provide written notice to each member of the General Assembly when it makes a report to the Budget and Control Board concerning an agency, department, or institution that is expending authorized appropriations at a rate which predicts or projects a general fund deficit for the agency, department, or institution, and (2) make monthly progress reports concerning an agency's, department's, or institution's plan to reduce or eliminate the deficit.*

- 90.27** **ADD** (Additional Contingent Appropriations) **SEN:** ADD new proviso to direct that up to \$53 million of any excess FY 11-12 general fund revenue collected above the amount necessary to fund appropriations in this act shall be appropriated to the Office of State Treasurer to reduce the Tuition Prepayment Program deficit and to appropriate the remainder of any excess revenue to the B&C Board, Employee Benefits for state employee benefits unfunded mandates. Sponsor: Sen. Ryberg.

*90.27. (SR: Additional Contingent Appropriations) From any excess 2011-2012 fiscal year general fund revenue collected above the amount necessary to fund appropriations in this act, up to \$53,000,000 in excess revenue is appropriated to the Office of State Treasurer to reduce the deficit in the Tuition Prepayment Program and all revenue above the first \$53,000,000 in excess revenue is appropriated to the Budget and Control Board, Employee Benefits, to be applied to unfunded mandates related to state employee benefits.*

**EFFECTIVE**

**SEN:** AMEND effective provision to delete reference to the act taking effect "immediately upon its approval by the Governor" and instead direct that the act takes effect "July 1, 2011." Sponsor: Sen. Leatherman.

All acts or parts of acts inconsistent with any of the provisions of Parts IA or IB of this act are suspended for Fiscal Year 2011-2012.

If any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every part, section,

**H3700 CONFERENCE COMMITTEE  
SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
DIFFERENCES FOR DISCUSSION**

subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Except as otherwise specifically provided, this act takes effect ~~immediately upon its approval by the Governor~~ July 1 2011.

FY 11-12 conf difference  
6/7/2011 10:40 AM